REPORT

ON

THE CRIMINAL JUSTICE

OF

BRITISH BURMA

FOR

The year 1877.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1878.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For 1877.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 257, dated the 20th November 1877.

READ—

Report on the Admistration of Criminal Justice in British Burma for 1876.

THE Criminal Courts of British Burma consist of two divisions, namely, the Courts of the Recorder and of the Magistrates subordinate to him which exercise jurisdiction in the town of Rangoon, and the Courts of the Judicial Commissioner and of the officers subordinate to him which exercise jurisdiction throughout the rest of the province. In the Special Court the Recorder and Judicial Commissioner sit together as a Court of appeal and reference. This classification applies also to the Civil Courts, and the reports on the judicial administration are arranged accordingly. Mr. C. J. Wilkinson has presided over the Court of the Recorder during the year. Mr. Quinton officiated as Judicial Commissioner during January and February, after which Mr. Sandford resumed the post and retained it to the end of the year. In the *personnel* of the other more important Courts of the province, there were no changes requiring notice.

2. The criminal business transacted during the year 1877 differs very little in amount from that of 1876 on the whole, although locally there have been considerable variations. The following is an abstract of the number of offences reported and the results of the trial of offenders during the past two years:—

Year.	Cases reported.	Persons under trial.	Acquitted or discharged.	Convicted.	Undisposed of, including died, escaped, or transferred.
1876 ...	29,508	46,324	13,807	31,808	230
1877 ...	29,508	42,297	13,523	28,107	348

The number of offences thus remained very nearly the same in 1877 as in 1876; but in 1877 fewer persons were brought to trial, and proportionately more were acquitted or discharged and fewer convicted.

3. The business of the Recorder's Court was somewhat heavier than in 1876. Appeals were fewer; but the number of cases committed rose from 43 to 73, in consequence, not of any increase of crime in the town, but of a stricter observance enforced by the Recorder of the provisions of section 315 of the Criminal Procedure Code, which requires that habitual offenders

shall in certain cases be committed to the Sessions, and not dealt with by the Magistrate. The necessity which exists for this provision of the law is well illustrated by a passage in the Prisons' Report, where a number of instances are given of utterly inadequate sentences passed on habitual criminals. The difficulty of dealing effectually with this class is felt more and more every year, and the Courts cannot be too strongly impressed with the vast importance of distinguishing between first convictions and repeated convictions, and of avoiding undue leniency in punishing habitual offenders. Including 3 cases pending at the close of 1876, there were 76 cases and 101 persons committed for trial before the Recorder as a Court of Session and a High Court; and of the latter 72 were convicted, and 29 acquitted or discharged without trial. The average duration of these cases was 26 days. Of 20 persons whose appeals were heard during the year, 7 were successful and 13 failed; in a number of cases disposed of by the subordinate Courts, which underwent revision under section 292 of the Procedure Code, the conviction was quashed or the sentence modified in six. These figures speak well for the care and diligence of the Town Magistrates, to which the Recorder also refers in terms of commendation in his report.

4. The returns of the Magistrates' Courts for the town of Rangoon shew that there has been a slight increase, not amounting to one per cent., in the number of non-bailable cases; while bailable offences have fallen from 3,273 to 2,902, or 11·3 per cent. There were in all 6,515 persons brought to trial and 4,589 convicted, against 8,705 and 6,607 respectively in the previous year. This fluctuation is confined chiefly to bailable offences, for the figures relating to non-bailable cases for the two years are not very different. The Magistrate's report explains that a slight variation of procedure suffices to affect the returns very materially; and in the example he gives this is clear enough. If complaints of a petty nature are sifted well before an offence is recorded as committed or summons issued, doubtless there will be far fewer petty offences brought into the returns; and the decrease of 11 per cent. in the number of bailable cases is thus accounted for. But it is not so clear why the number of persons brought to trial should have fallen 25 per cent. and the number convicted 30 per cent. at the same time. For the 948 non-bailable cases reported, 793 persons were tried and 588 convicted; and the proportion of convictions to offences reported was thus 62·02, or about the same as in the previous year. The success of the Police in prosecuting crime must of course, as remarked in the report, be judged by the number of offenders convicted, and not by the number tried. The above percentage is satisfactory enough, as is also that of convictions to persons prosecuted, 74·1. Of the total number of non-bailable cases, no less than 832 in 1876 and 841 in 1877 came under the head of theft and dishonestly receiving stolen property. Thefts alone in fact formed the most numerous class of offences, being over 19 per cent of the whole.

5. Taking the Recorder's and the Magistrates' Courts together, there appear to have been 4,661 persons convicted. Of these, 14·2 per cent. were sentenced to imprisonment, 77·81 per cent. to fine, and 4·4 per cent. to whipping; 2·83 per cent were ordered to find or give sureties or recognizance; and in respect of the remaining ·76 per cent., various orders as to maintenance of wives and children or the like were passed. Out of 662 sentences of imprisonment, solitary confinement was awarded in 19 only,—18 in the Magistrates' Courts and one in the Recorder's Court. Eighty-eight per cent. of the fines amounted to less than Rs. 10, and there were none of more than Rs. 500. Thirty-eight persons were directed to find security for good behaviour, against 55 in 1876,—a small number considering the large population of the town. In the classified statement of the nationalities of persons convicted, a large variation from the proportions of the preceding year is observable. Burmese offenders have decreased from 4,244 to 2,161, natives of Bengal and Upper India from 1,919 to 786, and other classes to a smaller extent; while that of "Madrassees" has risen from 1,204 to 2,600. This increase, if the figures are to be trusted, is very remarkable, and indicates a need for special vigilance over this class, who, from their unsettled mode of life, have exceptional facilities for escaping detection. The Town Magistrate's report contains a suggestion to the effect that probably most of the stolen property of Rangoon finds its way to Madras through the agency of professional "fences," a view to which the above

figures certainly lend colour. A stricter surveillance might perhaps with advantage be exercised over those who go and come between Madras and Rangoon.

6. A tabular statement given in the report shews that of the work of the Magistrates' Courts, exclusive of inquests and other miscellaneous business, a little more than two-thirds falls to the share of the Assistant Magistrate. There was rather more business than two Magistrates could well dispose of, and an Extra Assistant Commissioner was accordingly appointed for the suburb of Kemmendine shortly after the close of the year. The relief given, however, has not proved sufficient, and it is probable that ere long the general arrangements in regard to the distribution of the magisterial work in the town will have to be revised.

7. From the returns of the Courts subordinate to the Judicial Commissioner, it appears that there were 24,295 offences reported during the year, or 278 less than in 1876. Besides these, there were 1,367 miscellaneous cases, against 718 in 1876. The total number of cases was thus 25,662, and for these 35,782 persons were brought before the Magistrates, against 37,619 persons in 25,291 cases during the previous year. There has therefore been no great increase of criminal business. Apart from miscellaneous cases, there were 34,226 persons brought to trial,—a decrease of 2,073, or 5·7 per cent., 11,452, or 90 more than in 1876, were acquitted or discharged, and 22,223 were convicted,—a decrease of 2,084, or 9 per cent. It is difficult to base any conclusion as to the detection of crime on these figures, though the difference in the number of convictions is certainly large. It appears to be attributable in some measure to a decrease in the number of persons prosecuted for breaches of municipal rules and other petty offences,—a fact which indicates, as the Judicial Commissioner remarks, that the people are becoming more familiar with the law, and that there is less friction and difficulty than heretofore in enforcing it. In some districts, particularly Henzada, the decrease was due to real inability of the Police to cope with crime. A tabular statement in the report shews that under the heads of giving false evidence, murder, culpable homicide, dacoity, robbery, rape, grievous hurt, house-breaking, and theft, that is to say, in most of the graver classes of crime, there was on the whole a decrease of 207 offences, in respect of which 455 fewer persons were convicted than in 1876. The latter diminution is more than accounted for by the want of success in the prosecution of thefts alone. In his observation on the statistics of crime, the Judicial Commissioner brings to notice a remark made by the Deputy Commissioner of Henzada, to the effect that the efficiency of the Police is detracted from by the too frequent employment of Inspectors and other highly-paid officers in detective duty, instead of in the supervision of their subordinates. The Chief Commissioner does not know to what extent the practice prevails elsewhere, but the remark at any rate demands the attention of the Inspector-General of Police.

8. The punishments inflicted during the past two years have been as follows, omitting security and recognizance cases, in which, although imprisonment may be inflicted in default, it is not by way of a punishment :—

Description of punishment.	Number of sentences.		Percentage or total number of sentences.	
	1876.	1877.	1876.	1877.
Death	21	31	·09	·14
Transportation	48	46	·18	·21
Rigorous imprisonment with solitary confinement	321	294	1·38	1·32
Do. do.	4,707	5,521	20·21	24·78
Simple do.	290	328	1·25	1·45
Fine only	16,949	15,176	72·79	67·98
Whipping in addition to other punishment	209	165	·90	·74
Do. in lieu of other punishment	955	982	4·10	4·17

From this it appears that, though the whole number of punishments inflicted was smaller in 1877 than in 1876, sentences of rigorous imprisonment were 17 per cent. more numerous. Sentences of fine only were far fewer, and the number of whippings was somewhat less. The total amount of fines inflicted was Rs. 2,81,389, against Rs. 3,37,108; and the amount realized was 72 per cent., against 66 per cent. in 1876. Rs. 24,003, or nearly half as much again as in the previous year, was paid by way of compensation to injured parties. This is an improvement so far as it goes; but the Judicial Commissioner reports that many of the Magistrates still continue to overlook the right of complainants and prosecutors to compensation for their tort as well as the punishment of the wrong-doer. The remedy for this is, as suggested in the report, that Deputy Commissioners should give the matter their attention, and bring to notice any cases in which the Magistrates subordinate to them systematically neglect this part of their duty. And it might perhaps be well if Deputy Commissioners themselves were a little more closely watched and stimulated, for that the fault does not lie wholly with the Subordinate Magistrates is evident from the returns. In Henzada, where fines to the amount of Rs. 23,830 were realized, it was found possible to devote Rs. 11,153 to the payment of compensation; and in Thayetmyo, Rs. 2,955 out of Rs. 13,817 was so spent. In Akyab, Thonkwa, and Prome, on the other hand, of Rs. 50,692 realized, Rs. 969, or less than 2 per cent., was paid as compensation. The Chief Commissioner trusts that the Judicial Commissioner will insist on the adoption of the measure he has proposed, so as to enable injured persons, as far as possible, to obtain a remedy for their injury by one process, instead of having to resort to a Civil Court in addition to a criminal prosecution.

9. Remark has already been made in the Police Report on the subject of Magistrates' preventive jurisdiction. As connected with this and with the increase of crime and criminals, an allusion made in the report to the change which the national character of the Burmese is undergoing under British rule deserves prominent notice. It is as follows:—"The habit of gambling is said to be national, and that of opium-smoking, though rare, yet increasing with the influx of foreigners, and probably with a growing laxity in reverence for the high morality of the Buddhist religion. Gambling leads to theft, dacoity, and other crimes: it is not easy to stop it by mere restrictive measures." To opium-smoking must be added drunkenness, for both are acknowledged to be increasing *pari passu*. This is a social question of great importance, in regard to which the Chief Commissioner would be glad if Commissioners and Deputy Commissioners would obtain the opinions of educated and intelligent natives in their divisions and districts, and submit for consideration remedial measures of a practical kind.

The wide extension of lotteries, a favourite method of gambling, managed chiefly by Chinese, was in the course of the year repeatedly brought to notice by various District Officers. Formerly offences of this class were often dealt with under the Gambling Act. An authoritative ruling having declared this practice illegal, applications to the Local Government for leave to prosecute became numerous, and it was found very desirable that Deputy Commissioners should be vested with discretion to institute prosecutions without the delay of reference which often rendered them impracticable. District Officers have accordingly had this authority conferred on them by a recent order of the Government of India.

10. The Courts of the Rangoon, Bassein, Henzada, and Prome districts were the hardest worked in the province, for of all the persons tried and all the witnesses examined during the year, nearly half were tried or examined in those Courts. There were altogether 65,976 witnesses examined, or 607 less than in the previous year. The average duration of cases was on the whole 3·3 days, but in some districts it was much more. In Sandoway, for instance, it was 6 and in the town of Moulmein 6·5 days. Why Moulmein should be exceptional in this respect is not apparent. The number of cases pending at the close of the year, 164, was small. On the whole, it may safely be said that there has been little, if any, unnecessary delay in the trial of criminal cases.

11. The work of the Sessions Courts is shared between the three Commissioners, the Judge of Moulmein, and the Judicial Commissioner, who exercises jurisdiction as a Sessions Judge in the districts of Rangoon, Thonkwa, and

Bassein. The number of persons brought to trial before the Sessions Courts was 244 and 86, or more than a third of these were tried by the Judicial Commissioner. The number of persons convicted was 172, against 131 in 1876, 53 were acquitted, two died or escaped, and 17 remained under trial at the close of the year. The average duration of the trials was 38 days. In the Court of the Commissioner of Pegu, it was 61, and in that of the Judicial Commissioner, 34, days. An observation is made in the report concerning the retention in the province of prisoners sentenced to transportation. The rule prescribed by the Government of India is that such prisoners are, generally speaking, to be sent to Madras to undergo their sentence, Burmese prisoners having been found troublesome and prone to escape at the Andamans. They are not retained in the province unless insane or otherwise unfit to be sent away. Men convicted of culpable homicide, murder, and attempt to murder are sent to Port Blair to the number of about 10 annually.

12. The Subordinate Magistrates convicted altogether 10,994 persons, of whom only 389, or 3·5 per cent., appealed; but 153, or 38 per cent. of the latter, were successful. The small number of appeals preferred from the decisions of the Native Magistracy has often been remarked as indicating generally the soundness of their work and perhaps the lightness of their sentences, whatever other causes may be assigned for the fact. In the Courts of Magistrates of the 1st class, of 11,229 convictions, 3,842 only appear to have been appealable. Of persons convicted, 521, or 13 per cent., appealed, and 20 per cent. of the appeals were successful. All but one of 52 persons convicted by the Assistant Commissioner at Thayetmyo appealed, and only 11 obtained any modification or reversal of their sentence. Prisoners in jail can appeal with such ease that the large number of appeals at Thayetmyo is not surprising. The work of the Appellate Courts consisted altogether of 689 cases, against 815 in 1876; 652 were decided; in eight further enquiry was ordered; and the remainder were pending at the end of the year. The average duration of appeals was 10·7 days. In the Court of the Deputy Commissioner of Toungoo it was 65 days.

13. As a High Court, the Judicial Commissioner had 166 appeals on his file, and decided 150 during the year, 16 remaining for decision on the 31st December. The number of persons who succeeded in getting their sentences reduced or reversed was 32. Four sentences were enhanced. The cases of 615 persons were called up for revision, a material increase on the number in 1876, which was 524; 573 sentences were actually reviewed within the year, 378 or 66 per cent. were confirmed, and the remainder were modified or reversed. Of the value of this jurisdiction as a ready means of correcting errors, no better proof could be had than some of the results of its exercise shewn in the report. In one Court were found 21 decisions requiring to be reversed out of 25 revised, in another 18 out of 25, and in another 26 out of 28.

14. The simplification and curtailment of the tabular statements contained in the present report has rendered it easier of perusal, and has probably done much to facilitate its preparation. The Civil and Criminal Justice Reports are this year published separately, as this appears from Home Department resolution No. 364, dated 26th February 1878, to be the intention of the Government of India. In conclusion, the Chief Commissioner must express his acknowledgment of the benefit which the province has derived from Mr. Sandford's diligence and care in the Judicial Department of the Administration. The present Chief Commissioner did not arrive in British Burma till some months after the close of the period to which the report has reference, but he has had sufficient opportunity of seeing the results of Mr. Sandford's labours. The Chief Commissioner thanks Mr. Jardine, the present Judicial Commissioner, for his valuable review of the work of the year.

By order of the Chief Commissioner,

C. W. STREET, MAJOR,
Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For 1877.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

Annual Report on the Special Court of British Burma.

During the year 1877, 12 persons preferred appeals to this court from the sentence passed by the Court of the Recorder exercising its powers as a Court of Session and two as a High Court, and 15 persons appealed from the sentence passed by the Judicial Commissioner's Court in the exercise of its powers as a Court of Session,—making in all 29 persons. The following table shews the above particulars and the result:—

Court from which appeal preferred.	No. of persons.	Rejected.	Dismissed.	Pending.
Court of the Recorder exercising the powers of a High Court	2	..	2	..
Court of the Recorder exercising the powers of a Court of Session	12	12	..	..
Court of the Judicial Commissioner exercising the powers of a Court of Session	15	13	1	1

Note.—The appeal pending at the close of the previous year was subsequently rejected.

2. In the previous year, 12 persons appealed from the sentence passed by the Court of the Recorder in the exercise of its powers of a Court of Session, and five from that of the Judicial Commissioner exercising the same powers.

3. During the year 1877, two references were made to the High Court at Fort William in Bengal, in two criminal appeal cases, in consequence of difference of opinion between the Recorder and the Judicial Commissioner on certain points of law and evidence.

4. Five sentences of death were confirmed by the court, one of which was passed by the Recorder of Rangoon and four by the Judicial Commissioner.

5. The revenue of the court during the year from court fee stamps amounted to Rs. 803-1 and the expenditure to Rs. 1,800. In the previous year, the revenue was Rs. 605-4-0 and the expenditure Rs. 630.

The Judges of the court throughout the year were Mr. Sandford and Mr. Wilkinson.

C. J. WILKINSON,

JOHN JARDINE,

Judges of the Special Court, British Burma.

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C. J. WILKINSON,

JOHN JARDINE,

Judges of the Special Court, British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Court of the Recorder of Rangoon and Courts subordinate thereto for the year 1877.

DURING the year 1877, there were 72 cases committed to the Recorder's Court as a Court of Session, of which 18 were committed by the Senior Magistrate and 54 by the Assistant Magistrate of Rangoon; and there was one case in which the accused, a European British subject, was committed to the court as a High Court by the Senior Magistrate. Besides these, there were three cases pending at the close of the year 1876, making altogether 75 cases for disposal. None remained pending at the close of the year under review.

2. The cases of seven persons came up before the court in appeal and revision from the finding and sentence of the Senior Magistrate of Rangoon, and nine from the finding and sentence of the Assistant Magistrate. Besides these, there was one appeal, instituted by order of the Local Government, from the decision of the Assistant Magistrate, who had acquitted the accused, a Police Inspector, of certain charges brought against him. The results of these, together with that pending at the close of the previous year, are given in statement No. 5. In the previous year, there were 41 cases committed to the Court as a Court of Session and two as a High Court, and 25 appeals. The following table gives a comparative statement of the number of cases committed and appeals instituted in each of the last three years:—

Year.	Number of cases committed.	Number of appeals (cases)
1875	47	29
1876	43	25
1877	73	15

3. In the exercise of my powers of superintendence and revision as a High Court, under section 292 of the Code of Criminal Procedure, over the courts of the two Magistrates, amongst several cases I called up on perusal of the monthly returns of the cases decided by each Magistrate, there were six in which I had either to quash the convictions or modify the sentences as illegal.

4. There were five criminal miscellaneous cases referred by the Judicial Commissioner, sitting as a Court of Session, and the Magistrates to this court as a High Court during the year.

5. A very large increase in the number of committals to this Court as a Court of Session is observable in this year's returns; but the increase is in no way referrable to an increase of crime in the town, but to a more strict observance by the Magistrates of the law of procedure. Many cases where the accused are habitual offenders, which formerly they would have disposed of themselves, are now properly committed to the sessions. At one time, the Recorder's Court as a Criminal Court was fast becoming a thing of the past, so completely had the Magistrates, under their full-power jurisdiction, monopolized the criminal jurisdiction of the town. I had therefore to require a closer observance of section 315, as well as to point out to the Government, in my report for 1875, the consequences that had resulted from this action in the increase of crime, by reason of the insufficiency of punishment which the Magistrates could inflict in such cases. The Magistrates have seen the necessity of disposing of fewer serious or aggravated cases themselves, and hence the increased number of persons who came up last year before me.

6. With regard to the Court of Small Causes and the Magistrates' Courts, I have this year but few remarks to make. Both have worked well and diligently; and I have therefore only to forward the reports of each for the consideration of the Chief Commissioner. Whilst the general prosperity and the increase and development of trade have had their effect on the returns of the civil courts, the criminal courts of the town have merely had their normal amount of work. I may, however, here remark that, for the better and more efficient working of both the Court of Small Causes and the Magistrates' Courts, many changes are absolutely necessary. Both courts are underhanded, and more is expected of their respective offices than, with regard to efficiency, they can do. The particulars in which alteration is necessary will more properly be represented in separate communications regarding each of the courts.

C. J. WILKINSON,

Recorder.

MAGISTRATE'S COURT, RANGOON.

From the Town Magistrate, Rangoon, to the Recorder of Rangoon—No. 24, dated the 6th March 1878.

I HAVE the honour to forward the annual report on the administration of criminal justice in the town of Rangoon for the past year.

2. The subjoined table shews the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with similar returns for the preceding year :—

YEAR.	NUMBER OF OFFENCES REPORTED DURING THE YEAR 1876-77.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by Local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1876	939	3,273	4,212	3,880	8,705	2,041	6,607	47	1	1	8
1877	948	2,902	3,850	3,545	6,515	1,814	4,589	96	..	1	15
Increase	9	..	..	..	..	..	..	49	..	..	..
Decrease	..	371	362	335	2,190	227	2,018	..	1	..	7

* Transferred to Shwe-gyeen.

3. The small increase in non-bailable cases as compared with 1876 hardly calls for any explanation, and, when the high prices which obtained during the year for grain and other articles of food are considered, I think we may congratulate ourselves that non-bailable cases compare so favourably.

4. The large decrease is in the number of persons brought to trial in bailable cases.

5. The procedure adopted by different Magistrates will always affect the returns as regards these cases. There was a change during the year in Senior and Assistant Magistrates. In very many cases which come before me, I require the complainants to bring witnesses to satisfy me to a certain extent as to the truth of their representation before I grant the summons ; and if not satisfied, I reject their petitions without having troubled the accused or made *a case* of it. Although this procedure does not reduce the labour of the court much, it tends to lessen considerably the number of cases in the returns, thereby causing an appearance of a large decrease in cases, while as a matter of fact they may possibly be much the same as the previous year. Other Magistrates might in nearly every case issue a summons for the accused on the unsupported evidence of the complainant, which would have a contrary effect and swell the returns. I advised my Assistant to adopt a similar procedure, as I think it conduces to keep down hasty complaints, and is supported by section 361, Criminal Procedure Code.

6. It is however very difficult to account altogether for increase or decrease in bailable cases, for natives so commonly go with the crowd that our decisions for or against a certain offence will often influence many of them in bringing or dropping a complaint. For instance, one defendant found guilty by a jury in an offence relating to marriage will probably crowd the Magistrates' Courts with similar complaints for months afterwards ; whereas an acquittal will have a contrary effect.

7. Litigation is so cheap in the criminal courts that natives invariably endeavour to move these courts in preference to adopting a civil remedy ; and I think the criminal law in offences relating to marriage, kidnapping, abduction, &c., is in many ways unsuitable.

8. The large increase in cases committed to the Sessions Court is in consequence of the instructions given by the Recorder, under section 315, Criminal Procedure Code.

9. The number shewn "Pending" were all cases instituted at the close of the year.

10. Under the head "Acquitted or discharged" are included all cases compounded, withdrawn, &c. No separate columns are provided to shew this class of cases separately.

11. It is therefore obvious that a comparison of acquittals to convictions must appear large.

12. I have in former years remarked on the necessity for an amended form of returns, and I still think that this is required.

Non-bailable offences.

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1876	939	607	763	179	536
1877	948	648	793	183	521
Increase	9	41	30	4	..
Decrease	..	..	..	..	15

13. The figures of the year under review and those of last year shew no material difference.

14. Including the convictions in the Recorder's Court, the convictions were 74 per cent. of those brought to trial; but this is not as high as it might have been if the preliminary investigations by the police had been more careful in many cases. Young and inexperienced Inspectors require a great deal of teaching before they are competent to prepare charge-sheets; and I have had occasion during the year to comment on the want of a diligent and searching investigation before placing accused persons before the court. I have also endeavoured to impress upon Police Officers the necessity there is for an immediate and thorough local investigation, giving the accused every opportunity to produce evidence, the absence of which might make the greatest difference in the bearings of the case.

15. Offences under 411 and 414 are doubtless difficult cases to prosecute to conviction, and help to keep down the percentage in convictions.

Non-bailable cases for five years.

Year.	Number of offences reported.	Number of offences brought to trial.	Percentage of detections.
1872	522	260	50 per cent.
1873	946	340	36 do.
1874	1,220	530	43 do.
1875	920	538	58 do.
1876	939	607	64·64 per cent.
Average	909	455	50 do.
1877	948	648	68 do.

16. The above statement was introduced in 1875, and I therefore include it now in the same form as it was then and since submitted; but in my opinion it is no criterion of the satisfactory working of the detective agency in its present form.

17. The looser the police prosecution, the more the above returns would exhibit a good result, and I merely allow it to stand for comparison with the years 1875 and 1876. To shew the real percentage in detection, it should, I think, be prepared as follows, and, if approved of, the amended form will be substituted in future reports :—

Non-bailable cases for —— years.

Year.	Number of offences reported.	Number of convictions.	Percentage of detections.
1877	948	588	62·

The above includes the convictions in the Sessions and High Courts, *viz.*, 67.

Offences against property with violence.

	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1876.	1877.	1876.	1877.	1876.	1877.
Dacoity	..	..	..	..	..	..
Robbery	8	9	2	6	4	8
Extortion	3	4	3	4	1	6
House-breaking or house-trespass in order to commit theft	19	21	13	20	18	18
Total ..	25	34	18	30	23	32

18. The police reports shew in detail the nature of the offences committed. There has been an increase in the above crimes, but there was a decrease in murder.

19. In 1876, out of 25 cases reported, 18 were brought to trial; whereas in 1877, out of 34 reported, 30 were brought to trial.

Offences against property without violent crime.

	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1876.	1877.	1876.	1877.	1876.	1877.
Theft	762	758	440	466	411	434
Dishonestly receiving stolen property	70	83	70	83	70	85

20. Although there is an increase of nine in the total number of cases of this class, there is a satisfactory increase also of 39 more persons brought to trial, with a result of 41 more convictions.

Details of violent crime.

Description of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1876.	1877.	1876.	1877.	1876.	1877.
Murder	7	3	7	2	7	2
Attempt at murder	..	4	..	4	..	3
Culpable homicide not amounting to murder	1	2	1	2	1	1
Grievous hurt	18	6	17	6	19	9
Ditto on grave and sudden provocation	1	..	1	..	1	..
Hurt	78	57	78	56	74	48
Ditto with dangerous weapons	29	14	29	13	41	10

21. Murder shews a decrease of four; whereas attempts at murder shew four, against none in 1876.

22. The first murder was on account of jealousy; and the second, although a reported murder, may only have been culpable homicide not amounting to murder.

23. All the particulars of this violent crime are furnished in the Police Superintendent's report.

24. There is a very satisfactory falling off in hurt cases.

25. These cases have always been a cause of trouble to the Magistrates and the police, and, in a town where there are so many desperate characters, severe sentences are called for to act as a deterrent.

Petty cases.

Cases.	1875.	1876.	1877.
Assault	568	514	560
Insult	88	87	85
Creating a disturbance	144	291	268
Nuisance (Police Act)	289	90	144
Breach of local rules and other special laws	718	1,318	971
Drunk and disorderly	311	425	328
Total ..	2,118	2,725	2,356

26. I have nothing more to add, as regards the above statement, to that recorded in paragraphs 4, 5, 6, 7, and 8.

27. The annexed table shews the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of 1877:—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.		Number of persons under trial at the close of the year whose cases have been pending over six months.
							In custody.	On bail or recognizance.	
Town Magistrate of Rangoon .. Bailable	1,866	195	227	1,440	4	..	..	..	..
Town Magistrate of Rangoon .. Non-bailable ..	249	..	45	181	18	..	1	..	..
Total ..	2,115	195	272	1,621	22	..	1	..	..
Assistant Magistrate of Rangoon .. Bailable	3,860	306	903	2,628	13	..	..	10	..
Assistant Magistrate of Rangoon .. Non-bailable ..	544	9	129	340	61	1	4	..	..
Total ..	4,404	315	1,032	2,968	74	1	4	10	..
Grand Total ..	6,519	510	1,304	4,589	96	1	5	10	..

28. The above does not include 132 miscellaneous cases connected with shipping, accidental deaths, &c., &c. The Assistant Magistrate tried the largest number; but the work performed by both Magistrates is far too heavy, and further assistance is much required.

STATEMENT OF SHIPPING CASUALTIES, &c., FOR THE YEAR 1877.

Investigations held by order of the Chief Commissioner under Act I. and Act IV. of 1875.

Case No.	No.	Subject.
1 of 2nd quarter, 1877..	1 ..	The stranding of the British ship *Antelope.*
3 of 2nd quarter, 1877..	2 ..	The collision of S. S. *Ava* with a cargo-boat while coming up the river, causing death of one man.
7 of 2nd quarter, 1877..	3 ..	The collision between S. S. *Mecca* and the ship *Bury.*
12 of 3rd quarter, 1877..	4 ..	As to the seaworthiness of the ship *Monarch.*
13 of 3rd quarter, 1877..	5 ..	The wreck of the S. S. *Karrachee* on the Tenasserim coast.
14 of 3rd quarter, 1877..	6 ..	Stranding of the S. S. *Mecca*, and the disappearance of the Krishna Light-house.

29. These were all held in the senior Magistrate's Court.

30. The Senior Magistrate, in justice to his other duties, should not be obliged to try so many of the cases; but from the heavy nature of the criminal work, I was compelled, frequently with inconvenience to myself, to delay revenue work to relieve the Assistant Magistrate.

31. The Assistant Magistrate here, as is the case now, should always be a first class Magistrate, unfettered with any revenue duties connected with the town.

32. There should also be an Assistant Magistrate for Kemendine and Poozoondoung.

33. The cases in Rangoon where Counsel generally appear cannot be disposed of with the same rapidity as in many of the districts.

34. The town is every year increasing in population and trade, and the large suburbs of Kemendine and Poozoondoung should not be denuded of a number of policemen who are now daily drawn away to the courts and police offices while cases are being enquired into, which is not a satisfctory state of things.

35. The following table shews the punishments inflicted by the different magisterial authorities:—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Solitary confinement.	Simple imprisonment.	Rigorous imprisonment.	Fine.	Whipping.	Give recognizance or security, to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
Town Magistrate ..	12	8	202	1,308	68	7	10	14,438 11 9	8,625 4 0	24 0 0
Assistant Magistrate ..	6	12	360	2,341	132	87	28	22,187 13 6	14,786 4 0	87 15 6
Total ..	18	20	562	3,649	200	94	38	36,626 9 3	23,411 8 0	111 15 6

The Assistant Magistrate was not only new to the town, but also to the province, and naturally at first he had difficulties to contend with,—a heterogeneous population and a town resorted to by criminals of many classes and of many places. He has strengthened my hands very much by his energy and careful procedure.

36. The following table shews the detention of witnesses and the average duration of cases:—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
Town Magistrate	1,726	127	69	..	3 days ..	2½ days
Assistant Magistrate	4,095	207	38	4	2½ days ..	3 days
Total ..	5,821	334	107	4		

37. The nationalities of persons brought to trial during the year are shewn in the subjoined table:—

Nationalities.	1875.	1876.	1877.
Burmese	3,156	4,244	2,161
Chinese	277	448	380
Natives of Bengal and Upper India	1,146	1,919	786
Madrassees	2,013	1,204	2,600
Chittagonians	317	457	227
Europeans and East Indians	192	438	365

38. It will be observed that there is a marked decrease in Burmese offenders. High wages and the busy year has doubtless had something to do with it; but Mr. Inspector McDermott's and Moung Pho Htoo's presence amongst the Burmese have helped greatly in maintaining good order.

39. Madras offenders, on the other hand, have increased, but not much compared with 1875.

40. The Chinese have given no trouble during the year.

41. *Appeals.*—There were 12 during the year, involving 20 persons, which seems a very small number in comparison to the number of cases tried.

As affecting persons.—Four were rejected; nine were confirmed; two sentences modified; one reserved; four proceedings quashed. Of these, three persons were in a pending case from 1876, and four were cases called for by the High Court. Five were from the Magistrate's Court and six from the Assistant Magistrate's.

42. *Gambling.*—The Assistant Magistrate writes:—

A great feature in the year's work has been the activity of the police in the suppression of gambling. There have been 41 prosecutions, in which 260 persons have been convicted. In addition to this, the principal "Hteedines" have been convicted and punished; and this, as well as other forms of gambling, have received a very decided check. In connection with these cases, I was particularly glad to observe the activity and honesty of the native police.

43. In all cases of "htee" gaming, the sanction of the Local Government to the prosecution was first obtained, in consequence of a ruling of the Special Court.

44. *Security for good behaviour.*—There is a decrease of 94. This is in consequence of the remarks on the "preventive jurisdiction" in the resolution on last year's report. The Assistant Magistrate remarks as follows:—

The number of persons required to find security for good behaviour is small. I am very averse to the exercise of this power, except on the clearest cause shewn. I think that in a town where the area of jurisdiction is limited, and the facility for police observation of suspicious characters comparatively great, there is much less need for a resort to this exceptional and preventive jurisdiction than in an extensive and thinly-peopled jungle district. Accordingly, I have made it a rule to require in all cases, either satisfactory *independent* testimony, or a well-marked history of cognisable crime, in addition to the circumstances of immediate suspicion which have led to the arrest.

45. There is great difficulty in Rangoon in obtaining this "satisfactory independent testimony;" and I am inclined to endorse the remarks made by Mr. Adamson in paragraph 26 of his report in 1876. It is what I experienced myself, and there is no doubt that crime in Rangoon town cannot be thoroughly checked without due attention to Chapter XXXVIII. of the Criminal Procedure Code.

46. *Reformatory.*—The Assistant Magistrate observes:—

In conclusion, I must call attention to the great need for the establishment of a special institution of the nature of a reformatory for the reception of juvenile offenders. The "street Arab" class is a large and increasing one in Rangoon. The bazaars are infested with pickpockets of tender years, many of them homeless and friendless. It is manifestly inexpedient to send these wretched children to the common jail, and, to judge from the frequent convictions, corporal punishment has little or no deterrent effect.

Although a portion of the jail is supposed to do duty for a reformatory, it has never been so arranged as to allow of juvenile offenders being committed there with any good results. A separate institution is, no doubt, much required.

47. *Stolen property.*—The Assistant Magistrate, regarding stolen property, says:—

The prosecutions of receivers of stolen property have not been, on the whole, so successful as I could have wished. It is evident to me that there are very great facilities for the disposal of the proceeds of thefts in this town. Everything points to the existence of numerous professional "fences,"—mostly, I believe, among the low coffee-house-keepers of the prostitutes' quarters. Most of the property, I believe, finds its way to Madras; and a good deal of Madras stolen property, I believe, comes here.

48. If we could only trace the stolen property, we should very soon stop all thefts. It is very difficult to say where it goes to, but I fancy as much, if not more, goes to Calcutta as Madras.

49. The chetties who receive jewelry, &c., have had their special attention called to sections 411 and 414 of the Indian Penal Code during the year.

50. *General.*—The following officers were in charge of the Magistrates' Courts during the year under review :—

From 1st January to 2nd February,—Mr. Adamson, of both courts.
From 3rd February to 31st December,—Major Evanson, of the Magistrate's Court.
From 3rd to 22nd February,—Mr. Adamson, of the Assistant Magistrate's Court.
From 27th February to 20th March,—Mr. Mitchell, of the Assistant Magistrate's Court.
From 21st March to 31st December,—Mr. Jackson, of the Assistant Magistrate's Court.

I was sorry to lose the services of such an excellent and painstaking Police Officer as Mr. Fforde, and who no doubt worked a great reduction in crime. Mr. Carter too, a most promising officer, was removed on promotion. Mr. Hume took Mr. Fforde's place, and he has already been, and will no doubt continue to be, successful in the police administration. The appointment of Mr. McDermott gave me great satisfaction, and I have every reason to be pleased with him. Mr. Stewart came to the front in several successful cases, and has been well reported on by the Superintendent.

While, on the whole, I have no cause for any dissatisfaction with the police, I think the administration of the cantonments has been very faulty. Mr. King-Hall should not have been appointed to that post: he had no police training whatever, which led to an unsatisfactory result; and I feel confident that the change effected lately will do good.

My Judicial Clerk, Mr. Stubbs, has been absent on sick leave since July 1877, which has caused inconvenience.

R. C. EVANSON,
Magistrate.

PART II.

Courts under the supervision of the Judicial Commissioner.

From the Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 642-35, dated the 1st June 1878.

I HAVE the honour to submit the Annual Report of the Administration of Criminal Justice in British Burma (exclusive of the town of Rangoon) for the year 1877, together with a set of statistical returns. I have deferred this report for two reasons: several returns required corrections or further explanations; as I have only been three months in the province, and have as yet visited only the Akyab, Bassein, and Thonkwa districts, the labour of collecting information and drawing proper inferences from it has been considerable.

2. The remark in the 2nd paragraph of my Civil Justice Report, regarding the simplification of the tabular statements in the body of the report, applies to this report also.

3. The subjoined Tables A. and B. shew the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year:—

A.

Division.	Name of district.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1876.	1877.	1876.	1877.	1876.	1877.	1876.	1877.	1876-	1877.
Arakan	Akyab	904	1,007	1,282	1,689	408	612	864	1,018	67·	60·
	Akyab Town	1,015	1,005	1,777	1,807	432	345	1,344	1,452	75·	80·
	Kyouk-hpyoo	1,187	1,258	1,506	1,366	538	412	947	948	62·	69·
	Sandoway	394	394	338	395	101	136	222	258	65·	65·
	Northern Arakan ..	50	88	99	137	32	43	66	93	66·	67·
Pegu.	Rangoon	2,809	2,776	3,846	3,676	1,200	1,408	2,454	2,191	63·	59·
	Thonkwa	1,444	1,290	2,965	2,652	981	1,034	1,964	1,571	66·	59·
	Bassein	2,828	2,227	4,908	3,935	1,401	1,291	3,483	2,599	70·	66·
	Henzada	3,624	4,076	4,729	4,580	1,603	1,600	3,097	2,944	65·	64·
	Prome	2,441	2,878	3,521	4,092	1,069	1,298	2,429	2,752	68·	67·
	Thayetmyo ..	1,850	1,526	2,158	1,908	584	522	1,562	1,814	72·	68·
Tenasserim.	Amherst	1,547	1,292	2,360	1,910	863	821	1,467	1,066	62·	55·
	Shwe-gyeen	1,197	1,244	1,626	1,665	551	553	1,066	1,087	65·	65·
	Toungoo	756	939	1,014	1,299	348	453	649	818	64·	62·
	Tavoy	291	359	417	411	113	130	302	277	72·	67·
	Mergui	290	277	353	353	95	96	245	244	69·	69·
	Salween	46	72	81	112	11	20	64	88	79·	78·
	Moulmein	1,905	1,587	3,319	2,239	1,088	678	2,205	1,503	66·	67·
	Total ..	24,573	24,295	36,299	34,226	11,418	11,452	24,430	22,22	67·	64·
	Increase ..	..	..	..	..	..	34	..	..	..	..
	Decrease ..	..	278	..	2,073	..	..	..	2,207	..	3

Increase and decrease in the different districts during the year.

INCREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	103	407	204	154
Akyab Town	..	80	..	108
Kyouk-hpyoo	71	..	..	1
Sandoway	..	57	35	36
Northern Arakan	38	38	11	27
Rangoon	..	..	208	..
Thonkwa	..	..	53	..
Henzada	452	..	..	..
Prome	437	571	229	323
Shwe-gyeen	47	39	2	21
Toungoo	183	285	105	169
Tavoy	68	..	17	..
Mergui	..	..	1	..
Salween	26	31	9	24

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab Town	10	..	87	..
Kyouk-hpyoo	..	140	126	..
Rangoon	33	170	..	263
Thonkwa	154	313	..	393
Bassein	596	973	110	884
Henzada	..	149	8	153
Thayetmyo	324	250	62	248
Ahmerst	255	450	42	401
Tavoy	..	6	..	25
Mergui	13	..	..	1
Moulmein	318	1,080	410	702

B.

Division.	Name of District.		Number of																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.
Arakan.	Akyab	In 1876	...	...	7	5	6	5	2	1	9		6	1	6	10	23	21	13	15	285	227
		In 1877	4	6	5	6	..		1	8	6	2	4		8	6	43	25	3	1	289	216
	Akyab Town	In 1876	3	2	2	7	.	..	..		1	2	...	.	3	2	7	6			110	84
		In 1877	2	1	.	...	1	1	...		.	...	..	..	1	..	6	6	3	4	122	83
	Kyouk-hpyoo	In 1876	4	1	5	6	3	2	2	9	4	7	3	1	7	5	6	6	5	2	559	325
		In 1877	1	1	2	1			2	6	7	9	..	..	6	5	25	20	5	2	596	354
	Sandoway	In 1876	1	1	2	2	.	.	...	.	1	1	...	...	5	3	34	3	...		191	74
		In 1877	..	...	...	..	..	.	...		1	...	3	2	.	.	47	14	.		177	68
	Northern Arakan	In 1876	...		1	...	...	...	1	...	.		..	.	.	.	...	...	1	2	6	5
		In 1877	1	1		...	..	...	.	..	.	.	1	..			2	1	...	..	9	8
Pegu.	Bangoon	In 1876	8	3	11	5	7	5	8	7	14	24	13	10	9	12	127	58	207	52	1,083	500
		In 1877	1	...	10	7	3	6	11	4	28	36	12	3	12	16	169	43	116	40	987	461
	Thonkwa	In 1876	2	...	4	6	5	1	2	5	1	1	7	2	9	10	11	6	27	8	405	365
		In 1877	1	.	8	13			4	8	7	10	3	..	6	1	18	18	4		443	365
	Bassein	In 1876	4	8	1	2	2	2	4	9	5	7	4	4	12	10	143	83	20	19	815	655
		In 1877	3	1	8	7	2	.	4	10	6	9	6		11	10	77	53	26	18	641	516
	Henzada	In 1876	2	1	6	5	2	2	1	1	11	6	11	1	14	11	255	41	69	81	1,835	860
		In 1877		..	6	6	1	1	3	9	17	14	8	4	9	11	348	55	110	36	2,047	850
	Prome ...	In 1876	1	1	7	7	4	2			10	7	8	2	19	13	36	26	71	59	734	510
		In 1877	3	2	7	6	2	2	2	.	9	8	6	2	18	18	24	16	86	45	859	546
	Thayetmyo	In 1876	3	...	3	2	1		5	3	14	5	3	2	5	2	116	22	252	49	669	395
		In 1877	2	2	3	1			4	1	4	3	3	1	8	8	67	15	138	39	555	278

B.—(*concluded*).

Division	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.
Tenasserim.	Amherst	In 1876	6	3	2	3	1	1	3	5	3	1	4	2	7	10	19	9	66	9	539	284
		In 1877	1	1	14	9	2	1	3	3	6	4	3	1	8	7	31	27	109	35	386	195
	Shwe-gyeen	In 1876	1	...	2	2	...	...	3	4	4	4	2	1	8	10	34	18	23	28	477	242
		In 1877	2	2	6	9	...	...	3	3	4	6	4	1	6	3	16	12	32	15	440	202
	Toungoo	In 1876	2	3	6	1	2	1	6	...	6	1	3	...	5	4	15	12	37	21	180	143
		In 1877	4	5	7	7	2	1	2	...	6	5	...	...	2	1	16	10	29	10	204	116
	Tavoy	In 1876	...	...	...	...	...	...	1	5	2	1	...	...	1	...	34	16	2	1	77	55
		In 1877	1	2	2	2	...	...	...	...	2	5	...	...	2	2	33	11	5	10	69	31
	Mergui	In 1876	1	1	1	1	1	...	1	...	1	2	...	...	6	9	4	2	2	2	103	51
		In 1877	...	...	3	2	2	4	1	2	1	...	2	...	4	2	1	1	1	...	98	51
	Salween	In 1876	...	...	2	2	...	...	...	...	...	...	...	...	1	1	...	...	...	...	6	8
		In 1877	...	...	2	3	...	...	...	4	4	1	...	...	1	...	2	...	8	5	17	17
	Moulmein	In 1876	2	1	7	6	...	...	...	...	2	...	1	...	5	4	19	4	2	1	252	97
		In 1877	2	...	4	6	3	2	...	...	3	4	...	...	8	5	29	7	8	4	236	102
	Total	In 1876	40	25	69	62	33	21	39	49	88	69	64	26	122	116	683	333	797	349	8,326	4,880
		In 1877	28	24	87	85	19	18	40	58	111	116	55	14	110	95	947	334	683	264	8,174	4,467
		Increase	...	...	18	23	...	...	1	9	23	47	...	...	...	...	64	1	...	...	...	...
		Decrease	12	1	...	...	14	3	...	...	...	...	9	12	12	21	...	...	114	85	152	413

4. The total number of offences reported was 24,295, being 278 fewer than in 1876. The increases occurred chiefly in the districts of Akyab, Henzada, Prome, and Toungoo. In Akyab, the increase was mostly in nuisances, assault, and excise offences. In Henzada, there was a considerable decrease in gambling and excise cases; but thefts increased by 191, cattle-thefts by 41, and housebreaking by 93. The Deputy Commissioner states as the causes of these increases, the prevalence of gambling, the high prices of grain, the influx of vagabonds about the new railway, the increase of opium consumption, and the deterioration of the zeal and energy of the police. The last has been caused by frequent changes of officers. An instance of misconduct of a sergeant is reported who rode past a place when a dacoity was actually going on. The Deputy Commissioner says that "there appears to be a tendency to employ inspectors and men in highly paid grades in detective duty only, in place of causing them to stick to the task of keeping their subordinates constantly up to the mark." With a great increase in offences reported, there were 149 fewer persons brought to trial. The Judicial Commissioner cannot give an opinion on a matter relating merely to the organization of the police force: the practice described exists in Bengal, and is said by the Lieutenant-Governor (*Bengal Administration Report, 1875*, page 73) to have the result of identifying "the interests of inspectors with those of their subordinates, and to deprive inspections made by them of much of their value."

5. In Prome, ordinary thefts have increased by 156; cattle-thefts, which since 1872 have steadily decreased, have increased by 15; the remaining increases are in cases of nuisance, hurts, and excise. Gambling cases are fewer. The increases are said to be due to the dearness of food and to the opening of the railway. In Toungoo, thefts have gone up to 24; the rest of the increase is not accounted for. In Kyouk-hpyoo, there have been more housebreakings and thefts. In both districts high prices are assigned as the cause. The increase of 68 cases in Tavoy is caused by greater enforcement of forest and municipal rules. Offences have increased by 47 in Shwe-gyeen, where cattle-thefts have increased by nine. In the wild Karen district of Salween, the increase of 26 may be accounted for by the presence of a District Magistrate,—the Magistrate having been elsewhere in 1876, and detection less efficiently conducted.

6. The decreases are accounted for as follows:—The police in Akyab town are more careful in reporting; no serious case occurred.

7. In Bassein, there is a large decrease of 596 offences and 973 persons. The 596 cases include decreases of 174 thefts and dishonest receipts and 66 housebreakings. In the returns of this as of other districts, there has hitherto been some confusion of thefts and housebreakings. "In excise cases," says Mr. Burgess, "the falling-off is 95, or a little under half. This seems to imply a diminution of vigilance on the part of Excise Officers, for of the prevalence of this sort of offence there can be no doubt." Gambling cases have decreased by 79, because of the ordinary gambling having given place to the lottery system. Prosecutions under the Municipal Act have gone down from 343 to 200, the rules and the necessity for them being better understood. I think the result of this diminution must be increased popularity of municipal institutions.

8. The decrease of 318 cases and 1,080 persons in the town of Moulmein is chiefly in nuisances under municipal and police laws, and somewhat in gambling and lottery cases. Serious crime has also decreased. There were 15 cases of security for the peace and 19 for bad livelihood only. When the laws are worked so as to reduce the annoyance to the people and the labour to the establishments to so great an extent, it may, I think, be considered a result creditable both to the Magistrate and the Judge, and indicative of proper municipal and police arrangements.

9. The Deputy Commissioner of Thayetmyo, who is assured of the correctness of his returns, reports a decrease of 318 cases. There was a decrease of 289 serious cases, including 10 of robbery, 49 of housebreaking, 114 of cattle-theft, and 114 of thefts and receivings. Major Plant speaks with praise of the increased value of the police as preventers of crime in a year of high prices. Mr. Jamieson, the Superintendent, established patrols to communicate between police thannahs, and took pains to improve the recruiting of his force, while himself setting an example of untiring exertion. Mr. Fanshawe, the Eastern Frontier officer, actively assisted; and the co-operation of Mr. Burgess, now Deputy Commissioner at Bassein, and the other Magistrates is said to have had very good effect. The use of cattle-markets and the practice of collecting cattle into big herds have been efficacious in reducing thefts and dishonest receipts. Only 39 persons, however, were convicted in 138 cases of cattle-theft reported. Among the housebreakings, some cases have been entered which formerly were included as thefts. Out of 67 housebreakings, only 15 persons were convicted. The failure in detections is regretted by the Deputy Commissioner; but the general result is satisfactory, and the measures by which it was obtained can be improved from year to year: doubtless much of the credit is due to the Deputy Commissioner himself. The provisions of section 308 of the Criminal Procedure Code were more carefully attended to; the effect is certainly to make prosecutions more satisfactory to the persons injured. Nobody was bound over to keep the peace, and only 57 persons were called on to give security for good livelihood.

10. In Amherst, the decrease was 255 cases, of which 153 were ordinary thefts and receivings of stolen property. But there were 12 more murders, 12 more housebreakings,

and 43 more cattle-thefts. In many places food was at famine prices, and people were living on roots; in the country round Thatone, under Mr. Davis, there are said to be many savages, —people, I suppose, of the wilder Karen tribes, like those who lately tried to murder Mr. Davis. It is singular, therefore, that common thefts and violent crimes should not have increased, and that only three robberies should have occurred. If the returns are accurate, the result is creditable in spite of the cattle-thefts and housebreakings. The value of stolen property amounted to Rs. 71,551, of which Rs. 24,725 were recovered. In the total are included 35 elephants, said to be worth Rs. 1,000 each. The increase of murders is not easily explained; but Colonel Duff's remarks are decidedly interesting, and disclose the type of difficulty with which our Magistrates all along the 1,000 miles of frontier have to deal. I therefore quote *in extenso*:—

"This district has always borne a most unenviable reputation in the matter of homicide; but the number of cases in 1876 (three only) was quite abnormal. The increase of the year under report is, however, very grievous, and some of the cases disclosed the most cold-blooded atrocity. In a large district, with a very extended frontier, a great variety of races, and a considerable number of persons hardly, if at all, above the scale of absolute savages, brutal violence, the consequences of revenge, the desire of plunder, or other evil passions, is hardly to be wondered at; but to assign causes why in one 12 months these passions have led to fatal results in so much larger numbers than in a previous similar period is difficult, if not impossible; and it seems doubtful whether any cause that could be assigned would be more reliable than that assigned about the 15th century to account for similar outbreaks of ferocity, *viz.*, "that the cause of such things plainly appeareth to be the malign aspect of Mars influencing men to bloodshed." Two out of the fourteen murders, however, were the acts of lunatics, who, in sudden fits of insanity, assailed and slew their nearest and dearest relatives. One of these lunatics committed suicide, and the other died while under trial. Though entered as murders, they are merely homicides, as the perpetrators could not have been convicted. Of the remaining 12 cases—

Four were due to revenge.
Two are owing to women.
Two were committed in dacoity.
One by a band of Shan marauders when being pursued.
Three for the sake of plunder.

It thus appears that the greatest number of murders have been committed for revenge. The details of these crimes seems more properly to belong to a police report; but two of the first category and one in the second were so remarkable as to merit a brief notice here. In one case, a band of Karennees, five in number, surrounded the house of a man who had, or was supposed to have, given some information against them, and ruthlessly slaughtered all the inmates they could catch, three of whom were the relatives of the owner of the house, who was himself away from home, and the fourth an acquaintance who happened to be sleeping there; the attacking party then burnt the house, but took away nothing. It is satisfactory that, though belonging to such a clannish and wandering race, three of these ruffians were convicted and sentenced to death. In another case, an outlaw who roams about the Siamese frontier, with the help of the Kyaydangyee of the village, got the wife of a man who had given some information to the police to leave her house at night and go to a sequestered spot where her head was at once cut off and carried away. In this case the actual murderers are still at large in the Siamese States, though large rewards have been offered for their apprehension. The Kyaydangyee was sentenced to death, and executed the sentence himself, by committing suicide when in jail.

The Deputy Commissioner of Shwe-gyeen, in his account of crimes, describes "a serious dacoity, but of a class of which the wonder is there are not more in this district. On the night of the 4th March, the Thoogyee of the Laga circle of the Sittang sub-division of this district, having collected Rs. 6,000 of revenue, stopped in the village of Pooyabyoo. A band of Karennees, supposed to amount to about 20, attacked the house, wounded the Thoogyee, his wife, and a servant, and carried off the bags of Government money, as well as about Rs. 300 of private property. They started off with their booty towards the Toungoo frontier, travelling night and day, followed by the Sittang Inspector of Police; were met by a small patrol of the Toungoo Police, whom they attacked, and wounded one man; and finally crossed over the frontier into Karennee, with the Sittang Inspector only seven hours behind them, they having had a start of two days. In this case, a Karennee who had been employed for some months in the Thoogyee's house, and had been lately turned out, was, if not the leader, the originator of the affair, and collected the Karennees all round to share in the spoil. These men now come down every year in considerable numbers; they are very hard-working and industrious while they work, and most of the native officials and well-to-do traders keep one or two more of them as domestic servants. With all their industry, they are born thieves and raiders, so that I have often wondered that every year, as they return home before the rains set in, they do not oftener make a dash for a promising booty and be off across the frontier before they can be stopped. I am not aware if any action was taken diplomatically in this matter by the Local Government."

11. The decrease in Rangoon district is only 33 offences. While robberies and dacoities increased from 22 to 39, thefts of all kinds fell off. In only three out of 11 dacoities, and 15

out of 28 robberies, were arrests effected. This district is wealthy, and I understand that here, as well as in Bassein, a traditional love of dacoity has survived the time of the Burmese rule. The difficulties of the magistracy and police are increased by the number of Chinese, Tamil, and Karen people, who talk languages unknown to other races. Major Spearman makes the following remarks :—

" It is not easy to give reasons for the increase or decrease in crime. I am inclined to attribute the variations in the number of offences against property mainly to the state of the rice market ; prices were unprecedentedly high, and the brokers and middlemen bought up the stocks very rapidly, at high prices, and held on for higher, which they eventually got. The poorer people had, tempted by the prices, sold all that they had, and the bad characters, of whom there are vast numbers in this district, marked down the middlemen and robbed them. Karennees aided largely in increasing the number of robberies and dacoities. A Karennee is never a thief, but he is a willing and most dangerous robber or dacoit. It would be an advantage if all Karennees could be dealt with as the dangerous tribes are in India. In some other districts the Karennees are watched, and a report sent in every month ; and I can see no reason why this course should not be followed here.

" The preventive and detective action of the police was bad ; the sergeants were moved about a great deal too much, and I was powerless to interfere. I did, however, address the Government, asking that transfers might be made subject to my approval, as promotions, &c., are, but I have as yet received no reply."

12. In Sandoway, the number of cases has remained the same. In that peaceful district, there were no reports of false evidence, murder, culpable homicide, dacoity, grievous hurt, or cattle-theft. The Native Magistrates punished theft more severely, instead of merely inflicting small fines.

The Deputy Commissioner of Thonkwa does not account for the decrease of crime there. There is an increase of serious crime, consisting of four murders, two dacoities, and six robberies.

13. The whole number of persons brought to trial was 34,226, being 2,073 fewer than in 1876 throughout the province. I have already mentioned the great diminution of petty prosecutions in Moulmein and elsewhere : the officers in such districts ought to have more time to deal with serious cases when such fallings-off occur.

14. After the above description of local results, I come to the subject of serious crime throughout the entire province (exclusive of the town of Rangoon), as shewn in the Table B.

Cases of murder have increased from 69 to 87. Of this increase of 18, 12 occurred in Amherst and seven in Bassein.

Culpable homicide cases have diminished by 14.

Dacoity remains at 40 cases, against 39 in 1876. The increases occurred as follow :— in Rangoon three, Thonkwa two, Henzada two. There were the following decreases :— Toungoo four, Akyab one.

Robberies increased 23, *viz.*, from 88 to 111. There was an increase of six in Thonkwa, 14 in Rangoon, six in Henzada, and four in Salween.

Rapes have diminished by, nine and grievous hurts by 12.

Housebreakings are shewn to have increased by 64, but the method of classifying has changed. There was an increase of 20 in the Akyab district : this is attributed to the higher price of food. In Kyouk-hpyoo, the increase was 19 ; and in Sandoway, 13 ; in Henzada, the increase was 93.

Thefts and receipts of stolen property decreased by 152. This item must be considered along with the housebreaking statistics. There was a great increase in Henzada.

Cattle-thefts have decreased by 114, *viz.*, from 797 to 683.

15. As already stated, the crimes of robbery, house-breaking, theft, and cattle-theft decreased greatly in Thayetmyo. Ordinary thefts decreased greatly in Bassein, Amherst, and Rangoon. House-breakings also fell off in Bassein.

16. In an interesting summary of results in Arakan, the Commissioner, Colonel Sladen, says that " violent crime has given way to a great extent to petty offences against property," and that these last increased because of the scarcity of provisions. The same scarcity or dearness has been felt elsewhere,—in Thayetmyo and Amherst for instance. Colonel Sladen attributes the comparative absence of gang-robbery and dacoity in Arakan to the fact of the Magistrates having liberally exercised their preventive jurisdiction in cases of security for good livelihood. In the Hill Tracts, Captain Hughes has endeavoured to stop the demoralizing effects of the country liquor called *choung-tha-ayet*. The Commissioner has also removed another source of evil in Akyab, by arranging for the conveyance of released prisoners from the Akyab Jail to their homes at Kyouk-hpyoo, instead of merely turning them out of the jail into the town of Akyab.

17. Other causes of decrease and increase of crime I have already mentioned, quoting what the Magistrates say. The connections between crime and the action of the police are various ; but I am too slightly acquainted with the circumstances to add much to what they tell me. Mr. Burgess, Deputy Commissioner of Bassein, remarks on a dacoity at Kabaing-hman on the 11th December, that the Extra Assistant Commissioner of Ngapoo-tau was on the spot, and made an enquiry a day or two after, but never gave the slightest

information of the occurrence. The other case at Kyeing-yong came before me at Bassein Sessions, when eight men were transported for life. Two notorious outlaws had equipped a force of 13 or 14 men in Native Burma, armed them, descended the Irrawaddy in boats several hundred miles, and led them to loot a farmer's house. In giving judgment, I took the opportunity to compliment some members of the police force for bravery and astuteness.

18. The habit of gambling is said to be national, and that of opium-smoking, though rare, yet increasing with the influx of foreigners, and probably with a growing laxity in reverence for the high morality of the Buddhist religion. Gambling leads to theft, dacoity, and other crimes: it is not easy to stop it by mere restrictive measures, and I need not go beyond alluding to it as a cause of crime.

19. Convictions or committals, as shewn in Table B., have been numerous in cases of heinous crime: there were 87 cases of murder and 85 convictions; 19 of culpable homicide and 18 convictions; of dacoity, 40 cases and 58 convictions; of robbery, 111 cases and 116 convictions. In housebreakings there were 947 cases and 334 convictions. This return treats committal to the sessions as if it were a conviction. There is no return prescribed to shew the result of commitments of different sorts of cases.

20. The paucity of arrests in Rangoon district for dacoities and murders, and the small number of convictions in Thayetmyo in cattle-thefts and house breakings, have already been noticed. The proportion in Toungoo was small.

21. There were 31 offences against the Coinage Act reported in 1877, in which 69 persons were brought to trial and 35 convicted. As such offences are not commented upon by the Magistrates, I presume that they are rare or unimportant.

22. The attention of the Punjab and Bengal Governments was a few years ago strongly drawn to the working of the preventive jurisdiction in taking security for good livelihood under sections 504 and 505 of the Criminal Procedure Code, and in reply to the desire of the Chief Commissioner, I have recently reported on that subject. The Commissioners of Pegu and Tenasserim are of opinion that an appeal should lie to the Sessions Judges. The Commissioner of Arakan thinks the frequent application of the power to demand security has stopped serious crime. It appears that in Bassein the number of such demands has been perceptibly reduced, but there is no increase of crime. In the towns of Akyab and Moulmein, which are both well managed, there were only 19 cases, in Tavoy only three, and in Mergui only one. It is curious that in eight districts, among which are Rangoon and Thayetmyo, there was no instance of security against breach of the peace being taken in the whole year.

23. These facts shew that the necessity of resorting to this jurisdiction must vary with the times and the character of the population: wanderers and sojourners may have it fairly applied to them, and it does not appear to have been worked oppressively. I have lately, in a circular, pointed out that any person arrested or summoned under section 504 as a lurker or without means of subsistence, or under section 505 as a robber or thief or dangerous character, has a right under the law to be told explicitly what the particular imputation is, and to hear the evidence brought against him, and to produce his own evidence. He is not to be more harshly dealt with than a person accused of a crime. Cases can be called for in revision, or examined by the District Magistrate and the Commissioner. These safeguards appear sufficient, especially as the police will endeavour to detect in crime any person notoriously known to other people as a thief or dishonest receiver.

24. The next table shews the amount of criminal business in the several districts, the result of the trials, and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended:—

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
									Days.	
Arakan.	Akyab	1,680	373	239	1,018	16	22	21	2·6	2,891
	Akyab Town	1,807	30	315	1,452	10	...	..	1·5	1,586
	Kyouk-hpyoo	1,366	130	282	948	1	4	1	1·8	4,331
	Sandoway	305	35	101	258	...	...	1	6·0	1,205
	Northern Arakan ...	137	11	32	93	1	...	...	2·6	61
Pegu.	Rangoon	3,676	675	733	2,191	42	15	20	4·5	7,531
	Thonkwa	2,652	382	632	1,571	20	10	17	2·8	3,650
	Bassein	3,935	441	850	2,590	24	7	14	4·0	8,325
	Henzada	4,580	575	1,025	2,944	18	14	4	3·0	8,828
	Prome	4,092	672	626	2,752	12	7	23	1·9	7,158
	Thayetmyo	1,908	131	391	1,314	3	67	2	2·5	4,881
Tenasserim.	Amherst	1,010	203	528	1,066	14	1	8	5·	3,207
	Shwe-gyeen	1,665	198	355	1,087	10	5	10	3·	3,217
	Toungoo	1,290	73	380	818	10	11	7	3·	2,570
	Tavoy	411	37	93	277	4	...	...	3·7	842
	Mergui	353	24	72	244	6	..	7	3·	846
	Salween	112	6	14	88	3	1	...	3·	157
	Moulmein	2,239	200	478	1,503	29	.	29	6·5	4,096
	Total ...	34,226	4,296	7,166	22,223	223	164	164	3·3	65,970
	In 1876 ...	36,299	3,819	7,543	24,307	207	203	220	3·	65,369

* Fifty-six persons sent up for higher punishment by the Subordinate Magistrates are included here.

25. The heaviest criminal business was in Pegu, in the districts of Henzada, Prome, Bassein, and Rangoon; and the smallest, in the wilder districts of Arakan and Salween.

26. The proportion of persons discharged without trial is worse than last year by two per cent.: it is now 12 per cent. Of the whole number brought to trial in the Central Provinces (Statement B. 3.), it was 16 per cent.

27. The average duration of magisterial trials in Burma is a small decimal above last year, being now 3·3; in the Central Provinces it was 5·4; in the year 1875-76, it was eight days in the Punjab.

28. The number of cases remaining at the end of the year is not large. The number of witnesses has not greatly varied.

29. The subjoined table shews the punishments inflicted by the different magisterial authorities, and the orders passed in their preventive jurisdiction:—

Division.	Name of district.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	Rigorous imprisonment. Two years and under.	Rigorous imprisonment. Over two years.	Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour.
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab	3	6	300	16	697	34	14,852 0 0	12,057 2 9	91 8 0	1	134
	Akyab Town ..	..	7	76	..	1,339	43	11,789 9 6	8,726 8 6	873 12 0	1	19
	Kyouk-hpyoo ..	6	4	413	26	455	52	10,682 6 0	6,968 7 9	449 8 0	..	166
	Sandoway ..	..	..	77	3	170	15	2,115 8 0	1,954 8 0	413 8 0	9	19
	Northern Arakan	..	3	24	..	76	1	926 0 0	526 0 0	115 0 0	..	..
Pegu.	Rangoon ..	77	22	659	21	1,409	149	39,200 8 1	27,314 1 7	1,284 0 0	..	147
	Thonkwa ..	11	20	343	14	1,160	79	21,293 0 0	17,228 0 0	413 0 0	1	105
	Bassein ..	22	20	675	14	1,895	87	29,463 11 0	20,377 3 10	1,383 10 9	5	77
	Henzada ..	69	50	1,005	27	1,804	181	37,224 11 0	23,830 13 6	11,153 3 0	2	158
	Prome ..	17	43	585	19	2,048	219	29,576 10 1	21,407 4 10	465 0 0	28	68
	Thayetmyo ..	36	17	359	12	946	79	17,826 8 0	13,817 12 0	2,955 13 0	..	57
Tenasserim.	Amherst ..	12	22	227	15	791	20	16,129 4 0	12,936 13 7	615 8 0	..	49
	Shwe-gyeen ..	31	31	268	18	746	75	11,510 4 0	7,161 7 3	644 5 3	8	10
	Toungoo ..	7	31	170	16	612	24	10,945 0 0	6,915 14 10	1,374 1 3	2	48
	Tavoy ..	..	2	67	6	199	11	2,517 11 5	2,370 13 3	168 15 8	..	3
	Mergui ..	..	1	57	2	171	14	2,984 4 0	2,808 4 0	892 0 0	..	1
	Salween ..	..	..	34	10	53	..	2,525 0 0	1,345 0 0	..	..	..
	Moulmein ..	2	39	171	..	1,293	14	11,377 15 0	9,724 15 0	310 8 0	15	19
	Total ..	293	318	5,510	219	15,864	1,097	2,72,939 14 1	1,97,471 2 8	23,603 4 11	72	1,070
	In 1876 ..	321	331	5,485	209	17,843	1,164	3,36,433 1 1	2,24,138 1 1	16,826 5 0	100	1,129

30. The variations in most of the punishments are too slight to call for remark. The jails in Akyab, Sandoway, Thayetmyo, and elsewhere contain no solitary cells. There has been a slight increase of imprisonment, and probably the decrease in fining is due to a greater attention to my predecessor's repeated injunctions that thieves should not be let off by the native Magistrates with a mere money payment. The Deputy Commissioners seem fully alive to this matter.

31. There is a gratifying increase in the payment of compensations to the victims of crime for the expenses caused by prosecution and for the loss caused by the crime. If the law is duly carried out, the greater frequency of prosecutions will have a tendency to reduce the number of offences. Many of the Magistrates, however, treat section 308 of the Criminal Procedure Code as a dead letter; and I think any continuance of systematic failure to do complete justice to the person injured should in individual cases be reported by the Deputy Commissioners. This remark applies especially to such crimes as theft: the framers of the Penal Code intended that the tort, as well as the crime, should be satisfied in one proceeding, and the framers of the Procedure Code have enlarged the Magistrates' jurisdiction with the same intention.

Persons sentenced to imprisonment *and* fine are shewn under the column imprisonment as well as fine.
Figures in column 3 (solitary confinement) are included in columns 5 and 6.

32. In the subjoined table is shown the number of appeals from Subordinate Magistrates, and the mode in which they were decided by the Magistrate of the District or other officer empowered to hear appeals:—

Division.	Name of district.	Name and designation of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him.	Number of persons who appealed.	Number of persons in whose cases			
					Sentence was confirmed or appeal rejected.	Sentence was modified. Enhanced.	Sentence was modified. Reduced.	Sentence reversed or proceedings quashed.
Arakan.	Akyab.	Moung Hla Gyaw Oo, Magistrate, 3rd class	59	3	..	..	..	3
		,, Mratha Htoon, ditto, 2nd class (Membya)	275	1	..	..	..	1
		,, Tsan Hla Baw, ditto, ditto	119	1	1	..	..	..
		,, Rai Phaw Thoo, ditto, ditto	148	15	3	..	1	10
		,, Pha Phroo, ditto, ditto	84	6	4	..	2	..
		,, Htoon Oo, ditto, ditto	77	2	..	..	1	1
		Mr. D. L. M. Mackay, ditto, ditto	80	7	6	..	..	1
	Kyouk-hpyoo.	Moung Tsan Hla Phroo, Magistrate, 3rd class	77	5	4	..	..	1
		,, Htoon Aye, ditto, 2nd class	159	1	1	..	..	..
		,, Tsan Oo, ditto, ditto	108	1	1	..	..	..
		,, Hla Htoon Oung, ditto, ditto	240	12	8	..	..	4
		,, Shwe Dike Kay, ditto, ditto	203	26	17	1	4	4
	Sandoway.	Moung Kyouk Khai, Magistrate, 3rd class	5	1	..	..	1	..
		,, Shwe Bwin, ditto, 2nd class	34	2	1	..	..	1
		,, Shwe Boo, ditto, ditto	140	15	10	..	5	..
	North Arakan.	Moung Nga Bouk Kay, Magistrate, 3rd class	27	3	3	..	..	..
Pegu.	Rangoon.	Moung Kyee, Magistrate, 3rd class	95	2	..	..	..	2
		,, Yoh, ditto, ditto	143	1	..	..	1	..
		,, Hpo, ditto, 2nd class	362	12	2	..	3	7
		,, Wike, ditto, ditto	205	3	..	..	1	1
		Lieutenant B. A. N. Parrott, Magistrate, 1st class	414	1	1*	..	..	..
	Thonkwa.	Moung Shwe Myat	116	1	..	..	..	1
		,, Shwe Att	274	8	6	..	1	1
		,, Kya Yo						
		,, Hpo Kaw	76	1	1	..	..	..
		,, Gyee (Thonkwa)	210	8	5	2	1	..
		Mr. G. E. Godbier	103	4	2	..	..	1
		,, T. C. Mitchell	293	11	6	2	2	..
		Moung Gyee (Pantanau)	167	3	3	..	..	..
	Bassein.	Moung Kyah, Magistrate, 3rd class	60	3	1	..	2	..
		,, Bya, ditto, ditto	117	2	1	..	..	1
		,, Dway, ditto, ditto	50	2	1	..	..	1
		,, Bah Wah ditto, ditto	47	2	.	..	..	2
		,, Yoh, ditto, 2nd class	108	10	4	..	..	6
		,, Shwe Zin, ditto, ditto	93	7	4	..	..	3
		,, An, ditto, ditto	250	4	2	..	..	2
	Henzada.	Moung Koo, Magistrate, 2nd class	83	1	..	..	..	1
		,, Hpo Han, Magistrate, 2nd class	266	4	4	..	..	..
		,, Goon, ditto, ditto	251	1	1	..	..	..
		,, Min Gyaw, ditto, ditto	140	5	3	..	..	..
		,, Hpan, ditto, ditto	149	6	..	..	..	6
	Prome.	Moung Oh, Magistrate, 3rd class	82	2	1	..	..	1
		,, Hmai, ditto, 2nd class	333	6	4	..	2	..
		,, Kyaw Zan Hla, Magistrate, 2nd class	62	2	2	..	..	..
		,, Shwe Hline, ditto, ditto	22	4	4	..	..	..
	Thayetmyo.	Moung Loup, Magistrate, 3rd class	130	20	15	..	..	5
		Mr. P. C. H. Snow, ditto, ditto	35	5	5	..	..	..
		Moung Tetto, ditto, 2nd class	205	13	8	..	1	4
		,, Tet Phyoo, Magistrate, 2nd class	259	2	1	..	..	1
		,, Tsouk, ditto, ditto	53	13	5	..	4	4

* Bad livelihood case.

Number of appeals from Subordinate Magistrates, &c.—(concluded.)

Division.	Name of District.	Name and designation of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him.	Number of persons who appealed.	Number of persons in whose cases.			
					Sentence was confirmed or appeal rejected.	Sentence was modified.		Sentence reversed or proceedings quashed.
						Enhanced.	Reduced.	
Tenasserim.	Amherst.	Moung Tsan Yoh, Magistrate, 3rd class	25	2	1	..	..	1
		„ Shwe Gyoke, ditto, ditto	85	1	..	..	..	1
		„ Tsoung, ditto, 2nd class	126	1	..	..	..	..
		„ Pho, ditto, ditto	74	4	3	..	..	1
		„ Oh, ditto, ditto	49	2	1	..	1	..
		„ Chaik, ditto, ditto	33	8	3	..	1	4
		„ Wet Galay, ditto, ditto	43	3	1	..	1	1
		Mr. L. Gordon, ditto, ditto	20	5	2	1	..	1
	Shwe-gyeen.	Moung Shwe Hmo, Magistrate, 3rd class	77	2	..	1	1	..
		„ Go, ditto, 2nd class	167	4	2	..	..	2
		„ Taw, ditto, ditto	50	4	1	..	..	3
		„ Tha Nyo, ditto, ditto	68	18	3	..	..	3
		„ Myat Min, ditto, ditto	80	3	1	..	1	1
		Mr. J. E. Bridges, ditto, ditto	56	1	..	..	..	1
		Moung Shwe Hline, ditto, ditto						
		Mr. A. M. B. Irwin, ditto, 3rd class	330	21	13	1	3	4
		„ R. Phayre, ditto, 2nd class						
		„ J. E. Bridges, ditto, ditto						
	Toungoo.	Moung Gween, Magistrate, 2nd class	3	1	1	..	..	..
		„ Shwe Myat, Magistrate, 2nd class	37	6	4	..	2	..
		„ Htine, ditto, ditto	154	3	..	..	3	..
		Major J. McMullin, ditto, ditto	138	1	1	..	..	..
		Mr. E. S. Symes, ditto, ditto	194	7	7	..	..	..
	Tavoy.	Moung Hpaw, Magistrate, 2nd class	59	4	3	..	1	..
		„ Phet, ditto, ditto	36	2	1	..	1	..
		„ Shwe Hline, Magistrate, 2nd class	27	1	1	..	..	..
		„ Galay, ditto, ditto	51	8	5	..	2	1
	Mergui.	Mr. R. McLeod, Magistrate, 2nd class	5	2	2	..	..	..
		Moung Shwe Att, ditto, ditto	66	3	1	..	2	..
	Salween.	Moung Naw	22	2	..	..	2	..
		Total ..	*9,281	389	208	8	53	100
		In 1876 ..	11,121	481	200	11	83	179

33. The proportion of persons appealing, to the number of persons convicted by Magistrates of the 2nd and 3rd classes, was 3·5 per cent. This state of things seems to me extraordinary; but it has often been remarked upon. Colonel Sladen speaks of the Subordinate Magistrates, or Myookes, as men who commence without any professional knowledge, but who are diligent, and, under the supervision of their superiors, become trustworthy and good officers. Mr. Burgess writes that they "do their work conscientiously and fairly well." Major Spearman expresses an opinion that the small number of appeals affords a test and raises an inference in favour of their general justice. I am inclined to agree in these views, which also have been stated by the last Chief Commissioner, at page 15 of his resolution on last year's report. The Deputy Commissioners and Sessions Judges have ample means of preventing occasional mistakes or injustice, by reporting errors to the Judicial Commissioner in his revisionary jurisdiction; and I would gladly see the provisions of sections 296 and 297 of the Procedure Code availed of at their discretion. The Myookes' Courts are now frequently inspected by the Deputy Commissioners with the best effects. I must add that one appeal in every four was successful.

* Persons sentenced by Magistrates from whose sentence no appeals were preferred are not included in this. The total number of persons convicted by the Magistrates of the 2nd and 3rd classes is 10,994,—*see* Judicial Statement 3.

34. The work of the Courts of Session is shewn below :—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation by Judicial Commissioner.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with Assessors.	Number of cases in which Judge disagreed with Assessors.	Remarks.
Arakan ..	Commissioner and Sessions Judge	39	5	30	3	42	4	..	14	4	
Pegu ..	Commissioner and Sessions Judge	38	6	31	6	61	1	..	8	15	
Tenasserim ..	Commissioner and Sessions Judge	51	7	38	17	43	5	..	27	8	1 died.
	Sessions Judge, Moulmein ..	30	15	15	1	14	..	..	..	..	
	Judicial Commissioner ..	86	20	58	4*	34	7	..	39	7	*1 escaped.
	Total ..	244	53	172	31	38	17	..	88	34	2
	In 1876 ..	234	62	131	21	44	23	1	69	34	..

35. Two hundred and forty-four persons were tried at sessions, being 10 more than last year. One hundred and twenty-eight persons came before the three Commissioners, 30 before the Judge of Moulmein, and 86 before the Judicial Commissioner, who exercises the criminal jurisdiction of the Commissioner of Pegu in the districts of Rangoon, Thonkwa, and Bassein.

36. One hundred and seventy-two were convicted, against 131 in 1876; and 53 acquitted, against 62 in 1876. The Judge of Moulmein concurred in every case with the verdict of the jury. One case, in which the accused was a European British subject, was tried by the Judicial Commissioner with a jury.

37. Thirty-one capital sentences were passed, being an increase of 10 over 1876; 22 out of the 31 were confirmed by the Judicial Commissioner, and four others by the Special Court on reference.

38. The various punishments inflicted by Courts of Session were as follows :—

Division.	Designation of Judge.	PERSONS SENTENCED TO										AMOUNT OF FINE		
			TRANSPORTATION.		IMPRISONMENT.									
					Rigorous.		*Simple.*							
		Death.	For life.	For term.	Over seven years.	Seven years and under.	Over seven years.	Seven years and under.	Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	Awarded as compensation.
												Rs.	Rs.	Rs.
Arakan ..	Commissioner and Sessions Judge ..	3	3	..	2	22	..	..	..	2	..	450		
Pegu ..	Commissioner and Sessions Judge ..	6	8	2	2	14	..	..	1	2	..	600		
Tenasserim	Commissioner and Sessions Judge ..	17	5	..	1	14	..	1	..	2	..	1,500		
	Sessions Judge, Moulmein,	1	2	..	2	9	..	1	..	2	..	5,500	5,000	
	Judicial Commissioner ..	4	14	11	..	20	..	3	..	1	..	400	400	400
	Total ..	31	32	13	7	79	..	5	1	9	..	8,450	5,400	400
	In 1876 ..	21	34	5	9	60	..	1	..	5	..	675	225	

39. There is no further remark required on these punishments. I am informed that transported convicts are not removed from the Burma jails: if this becomes generally known, the peculiar and much-needed effect of such a punishment will cease to operate on the class who take to dacoity as a trade, and who are a terror to the peaceable inhabitants.

* These were referred to, and confirmed by, the Special Court.

40. The result of appeals from Magistrates to Courts of Session was as follows :—

Division.	Name of district.	Name of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Number of persons whose sentences were modified. Enhanced.	Number of persons whose sentences were modified. Reduced.	Number of persons whose sentences were reversed or proceedings quashed.
Arakan.	North Arakan.	Captain W. G. Hughes, Deputy Commissioner, Hill Tracts..	40	..	..	..	..	..
Arakan.	Sandoway.	Colonel C. P. Hildebrand, Deputy Commissioner, Sandoway,	64	10	10	..	..	..
Arakan.	Kyouk-hpyoo.	Mr. C. J. A. Duke, Deputy Commissioner, Kyouk-hpyoo ..	134	16	8	..	..	..
Arakan.	Akyab.	Colonel H. N. Davies, Deputy Commissioner, Akyab ..	18	3	2	..	..	1
Arakan.	Akyab.	Mr. R. F. St. A. St. John, ditto, ditto ..	47	2	1	..	..	..
Arakan.	Akyab.	Captain G. Alexander, Town Magistrate, Akyab ..	55	13	11	..	..	2
Pegu.	Rangoon.	Captain H. R. Spearman, Deputy Commissioner, Rangoon ..	90	5	1	..	..	4*
Pegu.	Rangoon.	Lieutenant B. A. N. Parrott, Assistant Commr., Syriam ..	349	19	15	..	..	4
Pegu.	Rangoon.	Mr. Robert Phayre, ditto, Hmaubee..	60	3	3	..	..	..
Pegu.	Rangoon.	Lieutenant F. D. Raikes, ditto, Pegu ..	185	15	8	..	7	..
Pegu.	Thonkwa.	Captain C. H. A. Gower, Deputy Commissioner, Thonkwa ..	38	2	2	..	..	..
Pegu.	Thonkwa.	Lieutenant J. Butler, ditto, ditto ..	56	7	4	..	..	2
Pegu.	Thonkwa.	,, J. Butler, Assistant Commissioner Pantanau ..	4	1	1	..	..	..
Pegu.	Thonkwa.	,, J. Butler, ditto, Yandoon ..	6	..	..	..	..	..
Pegu.	Bassein.	Mr. R. F. St. A. St. John, Deputy Commissioner, Bassein ..	21	4	4	..	..	..
Pegu.	Bassein.	Colonel H. N. Davies, ditto, ditto ..	29	3	3	..	..	..
Pegu.	Bassein.	Mr. G. D. Burgess, ditto, ditto ..	32	2	1	..	..	..
Pegu.	Bassein.	,, E. Richardson, Senior Extra Asst. Commr., Bassein ..	164	25	14	1	..	6
Pegu.	Bassein.	,, A. L. Hough, Extra Asst. Commr., Ngathaingyoung ..	320	23	11	..	6	5
Pegu.	Henzada.	Mr. J. K. Macrae, Deputy Commissioner, Henzada ..	92	7	4	..	..	3
Pegu.	Henzada.	Major C. O'L. Prendergast, Assistant Commissioner, Henzada.	128	14	9	..	2	2
Pegu.	Henzada.	Mr. A. R. Birks, ditto, Myanoung.	113	4	2	..	1	1
Pegu.	Henzada.	,, G. L. Weidemann, ditto, Tharrawaddy.	187	8	4	..	1	3
Pegu.	Henzada.	Lieutenant J. Butler, ditto, ditto ..	1	..	..	..	..	..
Pegu.	Prome.	Lieut.-Colonel A. R. McMahon, Deputy Commissioner, Prome.	40	10	10	..	4	9
Pegu.	Prome.	Mr. W. F. H. Grey, Assistant Commissioner, Prome ..	28	14	10	..	..	4
Pegu.	Prome.	,, K. G. Burne, ditto, ditto ..	38	15	14	..	..	1
Pegu.	Prome.	,, W. C. Midwinter, ditto, Poungday ..	47	9	9	..	..	..
Pegu.	Prome.	Lieutenant W. F. H. Grey, ditto, ditto ..	108	15	14	..	..	1
Pegu.	Prome.	Mr. F. S. Copleston, ditto, Padoung ..	73	14	14	..	..	..
Pegu.	Thayetmyo.	Major W. C. Plant, Deputy Commissioner, Thayetmyo ..	42	18	12	..	1	3
Pegu.	Thayetmyo.	Mr. R. A. D. Perreau, Assistant Commissioner, ditto ..	52	54†	43	..	7	4
Pegu.	Thayetmyo.	,, R. A. D. Perreau, Cantonment Magistrate, ditto ..	7	1	..	..	1	..
Pegu.	Thayetmyo.	,, G. D. Burgess, Assistant Commissioner, Allanmyo ..	45	31	23	..	1	7
Tenasserim.	Amherst.	Captain H. R. Spearman, Deputy Commissioner, Amherst..	358	10	10	..	..	..
Tenasserim.	Amherst.	Colonel A. G. Duff, ditto, ditto ..		19	17	..	..	1
Tenasserim.	Amherst.	Mr. J. C. Davis, Assistant Commissioner, Thatone ..		13	9	..	3	..
Tenasserim.	Shwegyeen.	Mr. Arthur Hough, Offg. Deputy Commissioner, Shwe-gyeen,	273	34	23	1	4	2
Tenasserim.	Toungoo.	Mr. A. H. Hildebrand, Deputy Commissioner, Toungoo ..	191	10	7	..	3	..
Tenasserim.	Toungoo.	,, Henry Buckle, ditto, ditto ..		19	13	..	1	..
Tenasserim.	Tavoy.	Colonel E. J. Spilsbury, Deputy Commissioner, Tavoy ..	84	19	15	..	2	1
Tenasserim.	Tavoy.	Mr. R. A. D. Perreau, Offg. ditto, ditto ..		7	..	..	..	7
Tenasserim.	Mergui.	Colonel W. Munro, Deputy Commissioner, Mergui ..	78	6	6	..	..	..
Tenasserim.	Salween.	Mr. A. H. Hildebrand, Assistant Commissioner, Salween ..	76	7	4	..	..	..
Tenasserim.	Moulmein Town.	Mr. F. W. Fox, Officiating Magistrate of Moulmein ..	3	..	..	..	..	..
Tenasserim.	Moulmein Town.	Major M. Furlong, Magistrate of Moulmein	66	10	7	..	1	2
		Total ..	3,842	521	378	2	45	61
		In 1876 ..	3,649	690	514	8	51	79

* New trials ordered.

† Three persons convicted in 1876; appeals decided in 1877.

41. The proportion of persons appealing, to the number of persons convicted in appealable cases, was 521 to 3,842,—that is, 13 per cent. Appeals were remarkably numerous from the convictions of the Assistant Commissioner of Thayetmyo,—not, apparently, because the judgments were unsound, as they were mostly confirmed, but seemingly from some common habit in that particular jail.

42. Out of the 521 appellants, 45 obtained some reduction and 61 reversal of their sentences.

43. The work of Appellate Courts is shewn in the subjoined table:—

Division.	Designation of tribunal, and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry.	Average duration of appeals.	Number left pending at close of year	Of those, pending for more than six weeks.	
Arakan.	Colonel H. N. Davies, Deputy Commissioner, Akyab	6	6	..	12	..	..	..
	Mr. R. F. St. A. St. John Dy. Comr., Akyab.	20	19	1	20	..	..	..
	,, C. J. A. Duke, Dy. Comr., Kyouk-hpyoo.	43	42	..	1·9	1	..	..
	Colonel C. P. Hildebrand, do. Sandoway.	16	16	..	8·3	..	..	..
	Captain W. G. Hughes, Superintendent, N. Arakan	3	3	..	..	..	..	..
	Lieutenant-Colonel E. B. Sladen, Commissioner and Sessions Judge	34	31	..	17	3	..	..
Pegu.	Deputy Commissioner, Rangoon	18	18	..	21	..	..	..
	Ditto, Thonkwa	22	20	..	5	2	..	..
	Ditto, Bassein	25	25	..	15	..	..	..
	Ditto, Henzada	11	9	..	8·6	2	..	..
	Ditto, Prome	14	14	..	3·5	..	..	..
	Ditto, Thayetmyo	30	30	..	2·9	..	..	..
	Lieutenant-Colonel A. G. Duff, Officiating Commissioner and Sessions Judge	155	154	..	13	1	..	..
	Colonel Horace A. Browne, Commissioner and Sessions Judge							
	Mr. J. W. Quinton, Officiating Judicial Commissioner (as Sessions Judge)	3	3	..	30	..	..	..
	Mr. J. D. Sandford, Judicial Commissioner (as Sessions Judge)	85	77	1	28	7	..	..
Tenasserim.	Captain H. R. Spearman, Deputy Commissioner, Amherst	7	6	1	20	..	..	..
	Lieutenant-Colonel A. G. Duff, Deputy Commissioner, Amherst	16	15	1	10	..	..	..
	Mr. J. C. Davis, Assistant Commissioner, Thatone	3	3	..	2	..	..	..
	Mr. A. Hough, Deputy Commissioner, Shwe-gyeen	35	34	..	6	1	..	..
	Mr. H. Buckle, Deputy Comr., Toungoo	12	10	2	65	..	..	..
	Colonel E. J. Spilsbury, do., Tavoy	15	15	..	4	..	..	..
	Lieut.-Colonel W. Munro, do., Mergui	5	5	..	11	..	..	..
	Mr. A. H. Hildebrand, Assistant Commissioner, Salween	2	2	..	1	..	..	..
	Colonel R. D. Ardagh, Commissioner and Sessions Judge	99	85	2	8	1	..	†11
	Mr. D. G. Macleod, Sessions Judge, Moulmein	10	10	..	3	..	..	..
	Total	*689	652	8	10·7	18	..	11
	In 1876	815	783	2	6	18	..	12

* This statement shews the number of appeals, not appellants; so the figures in this statement cannot correspond with the foregoing statement of appeals, nor with Judicial Statement 5.

† Rejected, as the appeals lay to Judicial Commissioner.

44. Two hundred and seventy appeals were decided by the three Commissioners as Sessions Judges, 10 by the Judge of Moulmein in the same capacity, and 78 by the Judicial Commissioner sitting as Sessions Judge in the Pegu division.

45. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shewn in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan.	Akyab	1,746	1,330 8 0	1,111 4 0
	Akyab Town	967	718 0 0	612 0 0
	Kyouk-hpyoo	1,171	757 8 0	370 12 0
	Sandoway	527	350 8 0	264 0 0
	Northern Arakan	..	..	..
Pegu.	Rangoon	1,903	1,418 8 0	976 6 0
	Thonkwa	1,019	727 8 0	1,061 8 0
	Bassein	2,391	1,719 8 0	1,172 8 0
	Henzada	1,928	1,390 0 0	829 13 0
	Prome	2,425	1,718 8 0	1,485 0 0
	Thayetmyo	801	555 8 0	247 4 0
Tenasserim.	Amherst	1,666	1,190 8 0	636 0 0
	Shwe-gyeen	1,032	692 8 0	676 6 0
	Toungoo	1,596	1,014 8 0	576 0 0
	Tavoy	607	410 0 0	312 0 0
	Mergui	453	308 0 0	308 10 0
	Salween	29	19 8 0	..
	Moulmein	2,078	1,525 0 0	1,543 0 0
	Total ..	23,339	15,846 0 0	12,182 7 0
	In 1876 ..	22,626	16,201 8 0	15,748 0 6

46. The receipts are greater than the expenditure by Rs. 3,664, except in Thonkwa and Moulmein. The Deputy Commissioner of Thonkwa has been asked to reduce the number of peons.

47. In the subjoined table is shewn the work of the Court of the Judicial Commissioner as a Court of Appeal :—

Division.	Designation of tribunal, and name of Deputy Commissioner or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	Modified. Enhanced.	Modified. Reduced.	Reversed.	Pending.
Arakan.	Colonel H. N. Davies, Deputy Commissioner, Akyab ..	1	..	..	..	..	1	..
	Mr. R. F. St. A. St. John, ditto, ditto ..	1	..	1	..	..	..	..
	,, C. J. A. Duke, ditto, Kyouk-hpyoo ..	5	1	4	..	..	..	..
	Lieutenant-Colonel E. B. Sladen, Commissioner and Sessions Judge	8	..	3	..	4	1	..
Pegu.	Captain M. C. Poole, Deputy Commissioner, Rangoon..	4	..	4	..	..	..	..
	,, H. R. Spearman, ditto, ditto ..	17	..	14	..	1	2	..
	,, H. A. Gower, ditto, Thonkwa.	4	..	3	..	..	1	..
	Lieutenant J. Butler, ditto, ditto ..	5	..	1	3	..	1	..
	Mr. R. F. St. A. St. John, ditto, Bassein ..	3	..	3	..	..	..	..
	Colonel H. N. Davies, ditto, ditto ..	5	..	2	..	3	..	..
	Mr. G. D. Burgess, ditto, ditto ..	3	..	3	..	..	..	..
	,, J. K. Macrae, ditto, Henzada..	16	1	12	..	2	1	..
	Lieut-Col. A. R. McMahon, ditto, Prome ..	4	..	3	..	..	..	1
	Major W. C. Plant, ditto, Thayetmyo,	1	..	1	..	..	..	..
	Lieutenant-Colonel A. G. Duff, Officiating Commissioner and Sessions Judge	4	..	3	..	1	..	..
	Colonel H. A. Browne, Commissioner and Sessions Judge	5	..	4	..	..	..	1
Tenasserim.	Captain H. R. Spearman, Deputy Commissioner, Amherst	15	4	3	..	1	7	..
	Lieut.Col. A. G. Duff, Deputy Commissioner, Amherst.	11	..	3	..	..	..	8
	Mr. A. Hough, ditto, Shwe-gyeen.	7	..	1	1	..	1	4
	,, A. H. Hildebrand, ditto, Toungoo..	2	..	2	..	..	..	..
	,, H. Buckle, ditto, ditto ..	4	..	4	..	..	..	..
	Colonel E. J. Spilsbury, ditto, Tavoy ..	6	1	3	..	1	1	..
	Mr. A. H. Hildebrand, Assistant Commissioner, Salween.	5	..	3	..	..	..	2
	Colonel R. D. Ardagh, Commissioner and Sessions Judge	21	..	19	..	1	1	..
	Mr. D. G. Macleod, Sessions Judge, Moulmein ..	9	3	5	..	..	1	..
	Total ..	166	10	104	4	14	18	16
	In 1876 ..	156	10	103	..	14	26	3

48. The increase of appellants continues, the number now being 166, or 10 more than in 1876. Only 32 persons obtained any alteration of the sentences passed by the lower courts

49. The work of the Judicial Commissioner's Court as a Court of revision is shown in the next table :—

Division.	Name of district.	Designation of tribunal, and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	Modified.		Reversed.		
					Enhanced.	Reduced.			
Arakan.	Akyab.	Moung Shway Taw, Extra Assistant Commissioner, Oreetoung West	5	1	..	..	4	..	
		Moung Hla Gyaw, Extra Assistant Comissioner, Oreetoung East	1	..	..	..	1	..	
		Moung Raiphaw Thoo, Extra Assistant Commissioner, Raithaidoung	6	6	..	..	..	..	
		Moung Htoon Oo, Extra Assistant Commissioner, Naaf	18	17	..	..	1	..	
		Moung Tsan Hla Baw, Extra Assistant Commissioner, Myohoung	8	3	..	..	5	..	
		Moung Mratha Doon, Extra Assistant Commissioner, Membya	2	2	..	..	..	..	
		Captain G. Alexander, Town Magistrate, Akyab.	34	32	1	1	..	..	
	Kyouk-hpyoo.	Moung Tsan Oo, Extra Assistant Commissioner, Cheduba	1	1	..	..	..	..	
		Moung Shway Boo, Extra Assistant Commissioner, Cheduba	5	5	..	..	..	..	
		Moung Hla Htoon Oung, Extra Assistant Commissioner, Ramree	15	9	1	..	4	..	One new trial ordered.
		Moung Shwe Dike Kay, Extra Assistant Commissioner, Kyouk-phyoo	3	1	1	..	1	..	
		Moung Htoon Aye, Extra Assistant Commissioner, Myaboung	8	7	..	..	1	..	
		Moung Tsan Hla Phroo, Extra Assistant Commissioner, An	6	1	..	..	..	..	Five new trials ordered.
		Mr. C. J. A. Duke, Deputy Commissioner	2	1	..	1	..	..	
		Colonel C. P. Hildebrand, ditto	3	2	..	..	1	..	
	Sandoway.	Moung Shway Boo, Extra Assistant Commissioner, Sandoway	1	1	..	..	..	..	
		Moung Kyouk Khai, Extra Assistant Commissioner, Gwa	1	1	..	..	..	..	
		Colonel C. P. Hildebrand, Deputy Commissioner.	4	4	..	..	..	..	
	North Arakan.	Captain Hughes, Superintendent of Hill Tracts, Northern Arakan	1	..	..	..	..	1	
Pegu.	Rangoon.	Moung Hpai, Extra Assistant Commissioner, Hmaubee	6	5	..	..	..	..	One new trial ordered.
		Moung Wike, Extra Assistant Commissioner, Pegu	2	..	..	..	2	..	
		Moung Hpo, Extra Assistant Commissioner, Twantay	2	1	..	1	..	..	
		Moung Hpo, Extra Assistant Commissioner, Angyee	5	2	..	3	..	..	
		Moung Yoh, Extra Assistant Commissioner, Hpounglin	9	2	..	..	7	..	
		Moung Bah Gyaw, Extra Assistant Commissioner, Syriam	1	..	..	..	1	..	
		Moung Gyee, Extra Assistant Commissioner, Hline	1	1	..	..	..	..	
		Lieutenant F. D. Raikes, Assistant Commissioner, Pegu	9	8	1	..	..	..	
		Lieutenant B. A. N. Parrott, Assistant Commissioner, Syriam	5	5	..	..	..	..	
		Captain H. R. Spearman, Deputy Commissioner.	4	2	..	..	2	..	
	Thonkwa.	Moung Shwe Att, Extra Assistant Commissioner, Pyapoon	7	7	..	..	..	..	
		Moung Gyee, Extra Assistant Commissioner, Yandoon	1	1	..	..	..	..	
		Mr. T. C. Mitchell, Assistant Commissioner, Yandoon	10	8	..	..	7	..	
		Lieutenant J. Butler, Deputy Commissioner	1	1	..	..	..	..	
		Captain C. H. A. Gower, Deputy Commissioner	1	..	1	..	..	..	

Division.	Name of district.	Designation of tribunal, and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	Modified.		Reversed.		
					Enhanced.	Reduced.			
Pegu.—(concluded.)	Bassein.	Moung An, Extra Assistant Commissioner, Kyoon-pyaw	6	1	..	..	5	..	
		Mr. E. Richardson, Senior Extra Assistant Commissioner, Bassein	6	..	3	1	2	..	
		Mr. A. L. Hough, Extra Assistant Commissioner, Ngathaingyoung	3	3	..	..	..	..	
		Mr. C. J. A. Duke, Assistant Commissioner, Bassein	1	..	..	..	..	..	One new trial ordered.
		Mr. G. D. Burgess, Deputy Commissioner	1	..	..	..	..	..	One new trial ordered.
	Henzada.	Moung Shway Thee, Extra Assistant Commissioner, Zaloon	19	19	..	..	..	..	
		Moung Myit, Extra Assistant Commissioner, Mengyee	10	..	..	10	..	..	
		Moung Han, Extra Assistant Commissioner, Monio	3	..	..	..	3	..	
		Moung Htoon Oung, Extra Assistant Commissioner, Kanoung	1	1	..	..	..	..	
		Moung Bah Too, Extra Assistant Commissioner, Kyangheen	2	..	..	..	2	..	
		Moung Min Gyaw, Extra Assistant Commissioner, Okpho	1	1	..	..	..	..	
		Moung Hpo Han, Extra Assistant Commissioner, Tahpoon	13	..	..	..	..	13	
		Mr. G. L. Weidemann, Assistant Commissioner, Tharrawaddy	6	6	..	..	..	..	
		Major C. O'L. Prendergast, Assistant Commissioner, Henzada	6	5	..	..	..	1	
		Mr. A. R. Birks, Assistant Commissioner, Myanoung	17	..	..	1	..	16	
		Mr. A. O. Brown, Assistant Commissioner, Tharawaddy	2	2	..	..	..	..	
		Mr. J. K. Macrae, Deputy Commissioner	8	7	..	1	..	..	
	Prome.	Moung Oh, Extra Assistant Commissioner, Shwelay	1	1	..	..	..	..	
		Moung Tsan Nan, Extra Assistant Commissioner, Mahathaman	1	1	..	..	..	..	
		Moung Hmai, Extra Assistant Commissioner, Shwe-doung	3	1	1	..	1	..	
		Lieutenant W. F. H. Grey, Assistant Commissioner, Prome	4	4	..	..	..	..	
		Mr. F. S. Copleston, Assistant Commissioner, Padoung	4	3	..	..	1	..	
		Mr. K. G. Burne, Assistant Commissioner, Prome	3	2	..	1	..	..	
		Lieutenant-Colonel A. R. McMahon, Deputy Commissioner	3	3	..	..	..	..	
	Thayetmyo.	Moung Shway Louk, Extra Assistant Commissioner, Kama	2	2	..	..	..	..	
		Moung Tet Phyoo, Extra Assistant Commissioner, Thayetmyo	8	8	..	..	..	..	
		Moung Tet Phyoo, Extra Assistant Commissioner, Meaday	4	..	..	1	..	3	
		Moung Tet Phyoo, Extra Assistant Commissioner, Yuatoung	1	1	..	..	..	..	
		Mr. R. A. D. Perreau, Assistant Commissioner, Thayetmyo	78	61	..	..	17	..	
		Major W. C. Plant, Deputy Commissioner	1	..	..	..	1	..	
Tenasserim.	Amherst.	Moung Ong, Extra Assistant Commissioner, Boeloogyon	25	2	..	..	21	2	
		Moung Oh, Extra Assistant Commissioner, Kawkerit	5	5	..	..	..	..	
		Moung Chaik, Extra Assistant Commissioner, Amherst	1	1	..	..	..	..	
		Moung Tsoung, Extra Assistant Commissioner, Zeah	2	2	..	..	..	..	

Division.	Name of district.	Designation of tribunal, and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	Modified.		Reversed.		
					Enhanced.	Reduced.			
Tenasserim.—(concluded).	Amherst.—(concluded).	Moung Pai Hlan, Extra Assistant Commissioner, Yea	3	1	..	..	2	..	
		Moung Pho, Extra Assistant Commissioner, Martaban	11	9	..	..	..	2	
		Moung Tsan Yah, Extra Assistant Commissioner, Hpagat	2	..	..	..	..	2	
		Mr. J. C. Davis, Assistant Commissioner, Thatone	7	6	..	..	1	..	
		Mr. F. W. Fox, Assistant Commissioner, Moulmein	6	3	1	2	..	..	
		Captain H. R. Spearman, Deputy Commissioner.	8	6	..	1	1	..	
		Colonel A. G. Duff, ditto	2	2	..	..	..	..	
	Shwe-gyeen.	Moung Taw, Extra Assistant Commissioner, Kyouk-kyee	10	10	..	..	..	..	
		Moung Shway Hmoo, Extra Assistant Commissioner, Sittang	2	..	..	..	2	..	
		Mr. R. Phayre, Assistant Commissioner, Kyeikto.	5	5	..	..	..	..	
		„ J. Irwin, ditto, do.	1	..	..	1	..	..	
		„ A. Hough, Deputy Commissioner	25	5	..	1	18	1	
	Toungoo.	Moung Htine, Extra Assistant Commissioner, Toungoo	19	19	..	..	..	..	
		Moung Shway Myat, Extra Assistant Commissioner, Bombadoo	1	1	..	..	..	..	
		Major J. MacMullin, Assistant Cantonment Magistrate	3	2	..	1	..	..	
		Lieutenant T. M. Jenkins, Assistant Commissioner, Toungoo	1	1	..	..	..	..	
		Mr. E. S. Symes, Assistant Commissioner, Toungoo	2	2	..	..	..	..	
		Mr. H. Bukle, Deputy Commissioner	2	1	..	..	..	1	
	Tavoy.	Moung Shway Boo, Extra Assistant Commissioner, West Township	2	..	1	..	1	..	
		Moung Shway Hline, Extra Assistant Commissioner, Tavoy	3	3	..	..	..	..	
		Colonel E. J. Spilsbury, Deputy Commissioner.	1	..	..	1	..	..	
	Mergui.	Moung Shway Baw, Extra Assistant Commissioner, Pakchan	3	3	..	..	..	..	
		Moung Shway Baw, Extra Assistant Commissioner, Malewoon	28	2	..	..	26	..	
		Moung Shway Att, Extra Assistant Commissioner, Mergui	1	1	..	..	..	..	
		Lieutenant-Colonel W. Munro, Deputy Commissioner	2	2	..	..	..	..	
	Salween.	Moung Naw, Extra Assistant Commissioner, Pahpoon	3	1	..	1	1	..	
		Mr. A. H. Hildebrand, Assistant Commissioner.	13	13	..	..	..	..	
	Moulmein Town.	Captain M. Furlong, Town Magistrate	8	4	2	..	2	..	
		Mr. D. G. Macleod, Judge	2	2	..	..	..	..	
		Total	615	378	13	29	144	42	Nine new trials ordered.
		In 1876	524	291	11	52	169	1	

50. In 1876, the cases of 524 persons came before the Court of the Judicial Commissioner as a Court of Revision. In 1877, the number is 615, the increase of 91 being large, especially as the whole number of persons convicted was smaller. Thirteen sentences were enhanced, 29 reduced, and 144 reversed. This jurisdiction is the most regulative, and the number of cases is likely to increase with the increasing supervision exercised by the Commissioners and Deputy Commissioners over the lower courts, with the extension of knowledge of our legal system, and with the frequent circuits and inspections of the Judicial Commissioner. It affords a ready means of correcting the errors of the Myookes when they are found out; and is, I think, likely to lead to a steady increase of work.

51. The subjoined table shews the work of the Court of the Judicial Commissioner as a Court of Reference for the confirmation of capital sentences.

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number of capital sentences modified.	Number of persons acquitted.	Pending.
Arakan.	Lieut.-Colonel E. B. Sladen, Commissioner and Sessions Judge..	3	3			
Pegu.	Lieut-Colonel A. G. Duff, Officiating Commissioner and Sessions Judge	2	1	1		
	Colonel H. A. Browne, Commissioner and Sessions Judge	4	2	2		
Tenasserim.	Colonel R. D. Ardagh, Commissioner and Sessions Judge	17	15	1	1	
	Mr. D. G. Macleod, Judge of Moulmein ..	1	1			
	Total	27	22	4	1	
	In 1876	24	19	5		

52. Mr. Quinton officiated till the 2nd March 1877. Mr. Sandford resumed charge for the remainder of the year.

JOHN JARDINE,
Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.—JUDICIAL.

1.—*Statement shewing the various Judicial Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1877.*

Class of Tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and Jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualifications of Judges previous to appointment.	Total number of Judges. Europeans. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Natives.	Average annual salary of each paid Judge. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
												Rs.	Rs.	Rs. A. P.	Rs. A. P.							
Recorder's Court, Rangoon ... Civil ...	1	...	...	...	1 Judge and five Jurors.	Ordinary original civil jurisdiction in suits of every description, except those which are cognizable by a Court of Small Causes.	Barrister of five years' standing.	...	...	...	...	...	...	...	...	One of the Judges of the Special Court.	Every day, Sundays and authorized holidays excepted.	14	76	Regular ... 105. Miscellaneous ... 332.		Admiralty. Insolvency.
Criminal ...	1							...	...	...	...											
Admiralty ...	1	48	...	1		Admiralty jurisdiction, as exercised by a High Court throughout British Burma, including the territorial waters thereof.		...	...	1	...	30,000	...	...	...							Thirty criminal appeals and revisions.
Insolvency ...	1					Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein.																
						Powers of a District Judge.																
						Powers of a District Judge under the Indian Divorce Act throughout British Burma.																
						Powers of a High Court in respect of the Court of Small Causes of Rangoon.																
						Criminal.																
						Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon.																

						Criminal appellate jurisdiction. Powers of a High Court for the trial of European British subjects throughout British Burma. Powers of a High Court in respect of the Magistrates of the town of Rangoon.																			
Small Cause Courts confined to proper functions, Court of the First Judge.	1	...	...	1	1st Judge	Original jurisdiction, up to Rs. 1,000.	...	...	...	1	...	9,600	...	16,170	3	1	37,325	10	0	..	207	12	...	Regular ... 3,403 Miscellaneous 2,513 Total ... 5,916	...	
Ditto ditto, Court of the Second Judge.	1	...	...	1	1st Judge	Original jurisdiction, up to Rs. 500.	...	...	...	...	1	...	6,000	9,056	0	0	8,598	4	0	...	196	32	...	Regular ... 1,787 Miscellaneous 809 Total ... 2,596	...	...
Town Magistrate of 1st class exercising criminal powers only.	1	45	106,644	1	1	District Magistrate, Justice of the Peace.	...	...	1	...	...	11,700	...	11,700	0	0	928	0	0	Collector of Revenue, President of Municipality, Hospital, and Dalhousie Park Committees, Official Visitor, Central Jail and Lunatic Asylum, Rangoon.	229	21	1,100	...	...	...
Assistant Magistrate	1	...	...	1	1	1st class powers, Justice of the Peace.	...	1	..	...	...	6,304	...	6,304	0	0	1,472	0	0	Member of Municipality and Cantonment Committee, Official Visitor, Central Jail and Lunatic Asylum, Rangoon.	263	23	2,441	...	...	..
Total ...	...	...	...	...			...	...	...	...	...	18,004	...	18,004	0	0	2,400	0	0		...	...	3,541	...	..	.

B.—JUDICIAL.

2.—*Statement of Offences reported and of Persons tried and acquitted for each offence in the Town of Rangoon in the year 1877.*

DESCRIPTION OF OFFENCE.	Section of code applicable.	NUMBER OF OFFENCES DURING THE YEAR. Reported.	Brought to trial.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Committed.*	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS I.										
Offences against the State, public, and justice.										
Making, using, or possessing false weights and measures	264 to 267 ...	1	1	4	...	4	...	...	...	
Disobedience of lawful orders	188 ...	5	5	11	9	2	...	...	...	
Taking gift to screen an offender from punishment	213 to 215 ...	...	...	...	...	...	...	...	...	
Escape from lawful custody	224 ...	10	9	16	4	12	...	...	...	
Disobeying summons or notice	172 to 175 ...	3	3	3	1	2	...	...	...	
Personating public servant	170 and 171 ...	1	1	1*	...	...	1*	...	...	* Included in Class III., "extortion."
Omitting to give information of offence or giving false information	176, 177, 181, 182, 202, 203.	1	1	1	...	1	...	...	...	
Abetting the corruption of the police ...	161, 109, 162 & 116...	5	5	12	...	12	...	...	...	
Resisting, obstructing, or omitting to assist public servant	183 to 187, 189, 190,	4	4	6	3	3	...	...	...	
Diminishing or altering coin	246 to 249 ...	1	1	1	...	1	...	...	...	
Counterfeiting coin	231 to 238 ...	1	1	1	...	...	1	...	...	
Resistance to lawful apprehension and rescue	225 ...	5	5	12	4	8	...	...	...	
Voluntarily causing hurt to deter public servant from his duty	332 ...	1	1	1	1	...	...	...	...	
By public servant.										
Taking gratification	161 to 165 ...	1	1	1	1	...	...	...	...	
Breach of Police Act by public officers ...	Act V. of 1861 ...	6	6	6	...	6	...	...	...	
Public servant negligently suffering escape.	129-223 ...	5	5	6	1	5	...	...	...	
False evidence, false complaints or claims, and forgery.										
Giving false evidence	193 to 196 ...	5	5	8	2	...	5	...	1	
False charge of offence...	211 ...	5	5	6	3	2	...	...	1	
Frivolous or vexatious complaint ...	C. P. 200 ...	17	17	18	...	18	...	...	...	
Forgery or fraudulently using or possessing forged documents	465 to 469, 471, 473 to 477.	1	1	1	...	...	...	...	...	
False personation in judicial proceeding ...	205, 229 ...	1	1	2	...	...	...	...	2	
False claim in court of justice	209, 210 ...	1	1	1	...	1	...	...	...	
Public nuisance.										
Public nuisance	269 to 294 ...	4	4	4	...	4	...	...	...	
Ditto under Police Act	Act V. of 1861 ...	144	144	287	47	240	...	...	...	
Drunk and disorderly	Do. ...	328	328	596	26	570	...	...	...	
Creating a disturbance	Do. ...	208	208	817	103	714	...	...	...	
Relating to public peace.										
Rioting or unlawful assembly	143 to 153. ... 157 and 158. ...	8	7	41	19	22	...	...	...	
Affray	160 ...	21	21	81	14	67	...	...	...	
Offences relating to religion	295 to 298 ...	1	1	1	1	...	...	...	...	
CLASS II.										
Offences against the Person.										
Murder	302 and 303 ...	4	3	3	...	...	3	...	...	
Attempt to murder	307 ...	6	6	6	...	...	5	...	1	
Culpable homicide	304—308 ...	2	2	8	7	...	1	...	...	
Attempt to commit suicide	309 ...	2	2	2	2	...	...	...	...	
Grievous hurt...	325 and 326 ...	6	6	11	2	8	1	...	...	
Do. on grave provocation ...	335 ...	...	...	...	...	...	...	...	...	
Hurt...	323—334 ...	57	56	87	39	47	1	...	...	
Do. by dangerous weapons	324 ...	14	13	20	10	10	...	...	...	
Doing an act which endangers human life ...	336 and 337 ...	7	7	18	12	6	...	...	...	
Assault or criminal force	352, 355, 358 ...	560	560	740	566	170	...	...	4	
Do. do. to a woman	354 ...	7	7	11	9	2	...	...	...	
Wrongful restraint	341 ...	5	5	8	5	3	...	...	...	
Criminal intimidation and insult... ...	504 to 509 ...	85	85	103	65	36	1	...	1	
Kidnapping or abduction	363 to 365, 367 to 369	5	5	9	6	...	3	...	...	
Enticing a married woman	498 ...	8	8	10	9	1	...	...	...	
Adultery	497 ...	16	16	16	13	1	2	...	...	
Rape	376 ...	4	2	3	...	...	3	...	...	
Unnatural offence	377 ...	1	1	1	...	...	1	...	...	
Defamation	500 to 502 ...	16	16	21	20	1	...	...	...	
Causing death by rash or negligent act ...	304A. ...	2	2	4	2	...	2	...	...	
Assault or criminal force to attempt wrongfully to confine a person	357 ...	1	1	3	...	3	...	...	...	
Wrongful confinement	342 to 346 ...	6	6	11	8	3	...	...	...	
Adulterating food or drink	272 to 276 ...	1	1	1	...	1	...	...	...	
Administering stupefying drug to commit offence	328 ...	1	1	2	...	...	...	...	2	
Abducting a woman to compel her marriage or for defilement	366 ...	2	2	3	1	...	2	...	...	
Assault or criminal force in attempt to commit theft of property carried by a person...	356 ...	1	1	2	1	1	...	...	...	
Carried over ...	.....	1,672	1,666	3,050	1,017	1,987	32	...	12	

* This column will not agree with statements in the report regarding actual crime which led to Session and High Court trials, as the report shews the sections under which the offenders are convicted, whereas this column shews the more serious offences in cases where an offender has been committed under two or more sections of the Penal Code.

B.—JUDICIAL.—*Statement No. 2*—(continued).

DESCRIPTION OF OFFENCE.	Section of code applicable.	NUMBER OF OFFENCES DURING THE YEAR. Reported.	Brought to trial.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Committed.*	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
Brought forward	.....	1,672	1,666	3,050	1,017	1,987	32	...	12	
CLASS III.										
Offences against property, with violence.										
Dacoity	395, 397, and 398 ...	...	...	...	...	...	...	...	...	
Robbery	392 and 393 ...	7	4	6	...	...	6	...	...	
Extortion	384 to 389 ...	4	4	6	...	3	3	...	...	
House-breaking or house-trespass in order to commit theft	451, 454, 457 ...	21	20	25	7	9	9	...	...	
House-breaking or lurking house-trespass ...	452, 455, 456 ...	2	2	2	...	1	1	...	...	
Robbery with hurt or deadly weapon ...	394, 397, 398 ...	2	2	3	1	...	2	...	...	
Without violence.										
Theft	379, 380, 381 ...	757	465	536	102	409	25	...	...	
Dishonestly receiving stolen property ...	411 to 414 ...	81	81	126	41	74	11	...	...	
Dishonest misappropriation of property ...	403 to 404 ...	28	28	28	6	22	...	...	...	
Criminal breach of trust	406 to 409 ...	44	43	47	17	21	6	1*	2	* Transferred to Shwe-gyeon.
Cheating	417 to 420 ...	35	35	47	28	17	2	...	...	
Malicious offences.										
Mischief	426, 427, 430 to 433.	15	15	16	7	9	...	...	...	
Criminal or house-trespass	447 and 448 ...	35	34	43	16	27	...	...	...	
Mischief by poisoning or killing cattle ...	428-429 ...	3	3	5	1	4	...	...	...	
CLASS IV.										
Offences not included in the above classes.										
Bad livelihood...	504, 505, C. P. C. ...	48	48	70	32	38	...	...	...	
Criminal breach of contract or service ...	490 to 492 ...	3	3	18	16	2	...	...	...	
Negligent conduct with respect to fire ...	285 ...	5	5	5	1	4	...	...	...	
Assault on Police Officers	353 ...	4	4	4	1	3	...	...	...	
Contempt of court	435, C. P. C. ...	...	...	...	...	...	...	...	...	
Bound down to keep the peace	491, 492, C. P. C. ...	69	69	139	45	94	...	...	...	
Maintenance	536, C. P. C. ...	27	27	27	13	14	...	...	...	
Breach of Excise Act	Act X. of 1871 ...	85	85	106	23	83	...	...	...	
Refusal of duty, and desertion	M. S. Act of 1864,	54	54	114	50	64	...	...	...	
Breach of Port Rules	Act XXII. of 1855,	6	6	9	2	7	...	...	...	
Do. Municipal Rules	" VII. of 1874 ...	363	363	794	181	612	...	...	1	
Do. Hack Carriage Rules	Ditto ...	66	66	173	57	116	...	...	...	
Do. Cart Rules	Ditto ...	34	34	80	24	56	...	...	...	
Do. Boat Rules	Ditto ...	6	6	7	...	7	...	...	...	
Do. Cantonment Rules	Act XXII. of 1864,	122	122	271	25	246	...	...	...	
Do. Lock Hospital Rules	Ditto ...	132	132	220	37	183	...	...	...	
Gambling	Act III. of 1867 ...	66	66	454	55	399	...	...	...	
Arms Act	Act XXXI. of 1860,	3	3	6	2	4	...	...	...	
Forfeiture of security	397, C. P. C. ...	2	2	5	...	5	...	...	...	
Cattle-trespass...	Act I. of 1871 ...	3	3	7	1	6	...	...	...	
Smuggling	Act VI. of 1863 ...	11	11	16	...	16	...	...	...	
Breach of Prisons Act	Act XXVI. of 1870,	4	4	18	...	18	...	...	...	
Buying soldiers' clothing	Act VII. of 1867 ...	...	...	...	...	...	...	...	...	
Negligent conduct with respect to animals...	289 ...	3	3	3	2	1	...	...	...	
Rash or negligent driving	279 ...	4	4	4	2	2	...	...	...	
Keeping lottery office	294 A.	1	1	3	...	3	...	...	...	
Breach of Post Office Act	Act XIV. of 1866 ...	2	2	2	1	1	...	...	...	
Do. Railway Act	Act XXV. of 1871...	14	14	21	1	20	...	...	...	
Do. Ferry Rules	.....	2	2	2	...	2	...	...	...	
Total ...	.....	3,854	3,541	6,515	1,814	4,589	96	1	15	

* This column will not agree with statements in the report regarding actual crime which led to Sessions and High Court trials, as the report shews the sections under which the offenders are convicted, whereas this column shews the most serious offences in cases where an offender has been committed under two or more sections of the Penal Code.

3.—(Criminal).—Statement shewing the general results of Criminal Trials in the Tribunals of various classes in the Town of Rangoon in the year 1877.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year.	*Brought to trial during the present year*				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at the end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Town Magistrate	8	1,544	57	502	...	...	2,111	195	272	1,621	22	...	1	2½	1,922	
Assistant Magistrate	...	3,289	87	1,028	...	...	4,404	315	1,032	2,968	74	1	14	3	4,344	
Total ...	8	4,833	144	1,530	...	...	6,515	510	1,304	4,589	94	1*	15	...	6,266	* Transferred to Shwe-gyeen.
Sessions Court (Recorder's)	5	94	...	...	...	...	99	4	25	70	...	...	...	26	557†	† Only 298 gave evidence.
High Court (Recorder's)...	...	2	...	...	...	...	2	...	...	...	...	...	...			
Total ...	5	96	...	...	...	...	101	4	25	70	...	...	...	26	557	
GRAND TOTAL ...	13	4,929	144	1,530	...	...	6,616	514	1,329	4,659	94	1	15	26	6,823	

4.—(*Criminal.*)—*Statement shewing the Punishments inflicted by the various Criminal Tribunals in the Town of Rangoon in the year 1877.*

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENT.																						
		TRANSPORTATION			IMPRISONMENT.				FINE.		WHIPPING					FINE.									IMPRISONMENT.												WHIPPED.		
					Rigorous.																			*15 days.*		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*				
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																						Rs. A. P.	Rs. A. P.	Rs. A. P.														
Town Magistrate ...	...	...	...	...	12	202	8	...	3	1,305	14	54	7	...	10	1,130	157	9	12	...	...	14,438 11 9	8,625 4 0	24 0 0	47	...	120	8	47	...	...	...	...	...	41	27	...
Assistant Magistrate ...	...	...	...	...	6	360	12	...	21	2,293	7	125	17	70	28	2,074	173	43	24	...	...	22,187 13 6	14,786 4 0	87 15 6	93	6	229	6	44	...	...	...	...	...	50	74	8
Total ...	...	...	...	...	18	562	20	...	24	3,598	21	179	24	70	38	3,204	330	52	36	...	...	36,626 9 3	23,411 8 0	111 15 6	140	6	349	14	91	...	...	...	...	...	91	101	8
Sessions Court (Recorder's)	1	4	3	2	1	59	2	...	4	...	5	...	...	...	...	...	...	300	200	...	...	500 0 0	11 0 0	...	...	1	3	1	6	...	47	...	4	...	...	2	3
GRAND TOTAL ...	1	4	3	2	19	621	22	...	28	3,598	26	179	24	70	38	3,204	330	352	236	...	...	37,126 9 3	23,422 8 0	111 15 6	140	7	352	15	97	...	47	...	4	...	91	103	11

NOTE.—In addition to the above, 14 persons were ordered to pay maintenance to their wives or children, 16 prostitutes were ordered to be registered, and five persons were ordered to forfeit their recognizance.

6.—(Criminal.)—Statement shewing the results of Appeal and Revision in Criminal Cases in the Province of British Burma (inclusive of the Town of Rangoon) during the year 1877.

CLASS OF TRIBUNAL.	Number of appellants or persons applying for revision under section 404, Code of Criminal Procedure.	NUMBER OF PERSONS.								REMARKS.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Recorder's Court, Rangoon	17	4	9	2	1	4*	.....	.....	.....	* Includes three persons pending from previous year.

11.—*Statement shewing use of Jurors and Assessors in the Civil and Criminal Courts of the Town of Rangoon in the year 1877.*

CLASS OF COURT IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jurors or Assessors in each case, and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note shewing in what classes of cases Jurors and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Jurors are employed in all criminal trials before the Recorder as a Court of Session and as a High Court for the trial of European British subjects.	*Jury of 5.*—No prescribed qualifications beyond what is laid down in the Criminal Procedure Code.	76	...	.	...	...	...	Criminal trials.	In 14 cases accused pleaded guilty; three cases were withdrawn before being put to the Jury.
Assessors in civil cases, at the discretion of the Recorder.	*Assessors.*—One or more. No prescribed qualification.	59	...	59	.	...	...	Criminal trials.	

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B.—Judicial.

1.—Statement shewing the various Judicial Tribunals, Original and Appellate, existing in the Province of British Burma (exclusive of the Town of Rangoon) on the last day of the year 1877.

Class of Tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and Jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	Total number of Judges. Europeans. Covenanted.	Europeans. Commissioned Military Officers.	Europeans. Uncovenanted.	Natives.	Average annual salary of each paid Judge. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
												Rs.	Rs.	Rs.								
Local and Subordinate Magistrates exercising criminal powers only, unpaid.	2	...	...	2	1 Judge	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	...	1	1	..	...	240		. ..	...	...	25	..	...	...
Ditto ditto exercising criminal powers only, paid.	2	...	...	2	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	1	1	...	4,800	...	9,600		One Station Staff Officer; one Deputy Conservator of Forests.	...	5	166	..	...	...
Ditto ditto exercising civil and criminal powers only, paid.	1	...	...	1	1 do.	Magistrates of the 1st class under section 20, Act X. of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.	...	..	1	...	...	2,440	...	2,400		Assistant Commissioner.	...	..	84	229	..	...
Ditto ditto exercising civil powers only, paid.	2	...	...	2	1 do.	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as courts of grade (2) under sections 12 and 13 of Act XVII. of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	..	...	...	2	...	4,800	10,218		. . .	...	8	..	1,914	...	...
Ditto ditto exercising criminal, civil, and revenue powers, paid.	95	...	...	95	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act XVII. of 1875, Civil original jurisdiction up to Rs. 500 and Rs. 3,000 as court of grade (1) and grade (2) defined in section 12 of Act XVII. of 1875, with Revenue powers under the rules of the province.	..	5	..	2	88	5,117	1,736	1,90,865	Rs. 2,59,787-10-0	. .	Sundays and holidays excepted.	-	10,937	16,841	4,071	...
Ditto ditto exercising criminal, civil, and revenue powers, paid.	1	...	...	1	1 do.	Magistrate of the 3rd class under section 20, Act X. of 1872. Civil original jurisdiction of whatever value or amount under section 2(a) of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200	2,308		. . .		.	48	48	...	...

Small Cause Courts (confined to proper functions)	1			1	Both under Act XVII of 1875 One Judge for both courts Juros employed in sessions trials	Civil original jurisdiction in civil suits up to Rs 1,000, under section 12 of Act XVII of 1875.									Sundays and holidays excepted	5		2,732		
Court of the Judge of the town of Moulmein	1			1		Civil original sessions and criminal appeal under Act XVII of 1875, also powers of a Small Cause Court with jurisdiction up to Rs 1,000 under section 12, Act XVII of 1875			1	15 600	30,916			Sessions Judge		6	20	238		10
Magistrates of 1st class, exercising criminal powers only	2			2	1 Judge	Magistrates of the 1st class under section 20, Act X of 1872 and Justices of the Peace		2		11,050	31,304			Presidents of the Municipal Committees			2,441			
Magistrates of 1st class, exercising criminal, civil, and revenue powers	14			14	1 do	Magistrates of the 1st class under section 20 of Act X of 1872 and Justices of the Peace Civil jurisdiction up to Rs 3 000 under Act XVII of 1875 Revenue powers under the rules of the province	5	5	4	7,530	86,107	Rs 2,59,767-10-0					4,993	654	187	criml 3
Magistrates of districts, exercising criminal civil, and revenue powers, as also special powers under section 36 of Act X of 1872	16			16	1 do.	Magistrates of the 1st class under section 20 of Act X of 1872 Civil original jurisdiction in all suits, of whatever value or amount, with appellate civil powers over all courts of grade (1) and of grade (2) as defined in section 12, Act XVII of 1875 Revenue, original and appellate powers as in the Revenue rules of the provinces also additional powers under section 36 of Act X of 1872, Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the Peace	1	8	7	16,078	2,49,498					2,045	83	4,135	1,034
Sessions Courts	3			3	1 do with Assessors in sessions trials	Powers of court of sessions under section 15 of Act X of 1872 Appellate jurisdiction criminal, civil, and revenue over all chief courts of districts and Magistrates of the 1st class		3		29 200	90,501						83	mis cases 7	mis cases 144	371
Court of the Judicial Commissioner	1			1	1 Judge	Powers of a high court.		1		30,000	43,104	5,334					52			* 551

ABSTRACT.

1	Judicial Commissioner		
3	Commissioners		
1	Judge		
4	Deputy Commissioners, 1st grade		
3	ditto ditto,	2nd	do
4	ditto ditto,	3rd	do
3	Deputy, Commissioners 4th grade		
1	Superintendent of Hill Tracts		
5	Assistant Commissioners, 1st grade.		
6	ditto ditto	2nd	do
5	ditto ditto,	3rd	do
15	ditto ditto,	4th	do

ABSTRACT

5	Supernumerary Assistant Commissioners			
1	Senior Extra Assistant Commissioner			
5	Extra Assistant Commissioners,		1st class, 1st grade	
4	ditto ditto,	1st	do	2nd do
7	ditto ditto,	2nd	do	1st do
8	ditto ditto,	2nd	do,	2nd do
24	Extra Assistant Commissioners,		3rd class, 1st grade.	
24	ditto ditto,	do		2nd do
34	ditto ditto,	do		3rd do
2	Assistant Cantonment Magistrates			
3	Honorary Magistrates			

* 96 civil
103 criminal
86 appeals at Court of Sessions
266 revisions
551

B. Judicial.

2.—(Criminal.)—Statement of Offences reported and of Persons tried, convicted, and acquitted for each offence in the Province of British Burma, (exclusive of the Town of Rangoon), for the year 1877.

Description of Offence	Number of offences reported during the year	Number of persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped, or transferred	Remaining under trial	Committed.	Remarks
CLASS I								
Offences against the State, the Public, and Justice								
Relating to coin, stamps, weights and measures.								
Counterfeiting coin	10	13	5	4			4	
Passing or possessing bad or altered coin	21	56	23	31		1	1	
Using as genuine, counterfeit stamps, or effacing or altering same	2	2	1	1				
Making, using or possessing false weights or measures	27	87	29	58				
Against Public Justice								
Substantive abetment, Section 116 I P C	2	3		3				
Personating public servant or soldier	16	21	7	14				
Concealing design to commit offence	6	8		8				
Omitting to give information of offence, or giving false information	71	104	50	53		1		
Causing disappearance of evidence	10	21	5	10		6		
Resisting obstructing or omitting to assist public servant	41	102	64	38				
Disobedience of lawful order, causing injury	123	447	191	244	1	1		
Intentional insult or interruption in Judicial proceedings	17	16	7	9				
Harbouring an offender	28	44	16	27	1			
Taking gift to screen offender	47	60	17	37	1	5		
Resistance to lawful apprehension, and rescues	64	81	23	51	6	1		
Escape from lawful custody or transportation	60	57	8	49				
Absconding from, avoiding or disobeying summons or notice or order to attend or produce, or refusing to answer or sign	93	191	62	125	2	2		
Failure to attend as Juror or Assessor	1	1		1				
By Public Servants								
Taking valuable things by, or to influence, public servants	82	93	30	60	2	1		
Public servant acting illegally to injure any person	3	3		3				
" " fraudulently defeating punishment or forfeiture	9	8	5	3				
" " intentionally omitting to apprehend or permitting to escape	8	10	2	8				
" " negligently suffering escape	67	76	13	63				
Breach of Police Act by Police officers	51	60	5	59	2			
False evidence false complaints or claims, and forgery	1	1	1					
Giving false evidence	25	34	14	7		1	12	
Fabricating false evidence	3	5		4			1	
Making issuing or using false statement or certificate	3	2	1	1				
False personation in judicial proceeding	1	1	1					
Fraudulent claim to or concealment of, property, or suffering of decree	19	21	14	7				
False claim in Court of Justice	5	4		3		1		
False charge of offence	22	27	15	10		2		
Frivolous or vexatious complaint	5	8	4	4				
Forgery, or fraudulently using or possessing forged document	11	19	1	4		1	13	
Making or using false trade-marks	6	6	6					
Public Nuisances								
Public nuisances under Penal Code	1,961	2,44[illegible]	563	1 865	8	7		
Nuisances under Police or Municipal and Local Acts*								
Relating to the Public Peace								
Rioting or unlawful assembly	167	979	270	694		15		
Affray	145	594	120	474				
Offences relating to religion	8	14	4	10				
Total, Class I	3,641	5 718	1 577	4,042	23	45	31	
CLASS II								
Offences against the Person								
Murder — By Dacoits	4		7				6	
Murder — " Robbers	2	2					2	
Murder — " Poison from other motives	11	17	3				14	
Murder — Other Murders from motives connected with women	10	11					11	
Murder — Other Murders from other motives	60	64	7		1	3	52	
Attempt to murder	6	10	2	5	1	1	1	
Culpable homicide	19	31	12	5	1		13	
Abetment of suicide	1	1	1					
Attempt to commit suicide	22	19	10	7	1	2	1	
Causing miscarriage	3	1		1				
Exposure of infant or concealment of birth	4	4	2	2				
Carried over	142	173	44	20	4	6	100	

* See under Class IV

B.—JUDICIAL.

2.—(*Criminal.*)—*Statement of Offences reported, &c.*—(continued.)

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
Brought forward ...	142	173	44	20	4	6	100	
OFFENCES AGAINST THE PERSON—Continued.								
Grievous hurt	101	127	32	85	2	3	5	
" " on grave and sudden provocation	9	6	...	5	1	...	...	
Hurt	875	1,399	552	832	7	8	...	
Hurt by dangerous weapons	265	367	118	241	2	3	3	
Administering stupefying drugs	9	12	1	10	...	...	1	
Causing hurt to extort property or confession	2	39	18	18	...	3	...	
Act dangerous to life or safety	140	154	60	85	...	...	...	
Wrongful restraint	35	41	27	12	...	2	...	
" confinement	14	43	19	23	...	1	...	
" " to extort property or confession	11	26	15	7	6	...	...	
Assault or use of criminal force	2,288	3,007	1,737	1,255	7	8	...	
Criminal intimidation or insult	1,023	1,223	792	422	3	6	...	
Causing annoyance in state of intoxication	60	68	10	58	...	...	...	
Buying or disposing of any person as a slave...	4	5	4	1	...	...	...	
Kidnapping or abduction	33	40	25	15	...	...	...	
Abducting a woman to compel marriage or for defilement	15	22	14	5	...	...	3	
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution	2	1	...	1	...	...	...	
Enticing a married woman with criminal intent	24	27	22	4	1	...	...	
Fraudulent and unlawful marriages	2	6	1	1	...	4	...	
Adultery	78	68	38	15	4	4	7	
Rape	55	50	35	13	1	...	1	
Unnatural offences	12	7	2	3	...	1	1	
Defamation	48	71	53	18	...	...	...	
Total, Class II. ...	5,245	6,984	3,628	3,149	38	48	121	
CLASS. III.								
OFFENCES AGAINST PROPERTY.								
With Violence.								
Dacoity	40	77	17	35	...	2	23	
Preparation or assembly for dacoity	2	11	...	11	...	...	...	
Robbery with hurt or deadly weapon	37	78	30	20	4	...	15	
Robbery	74	118	43	50	1	2	16	
Extortion	72	124	68	49	5	2	...	
House-breaking or house-trespass, in order to commit theft	670	307	103	200	1	3	...	
House-breaking or house-trespass, in order to commit an offence other than theft	129	93	33	59	1	...	...	
House-breaking or house-trespass, with preparation for, or attempt at, hurt	55	37	18	16	2	...	1	
House-breaking or lurking	93	101	42	58	1	...	...	
House-trespass	31	23	14	9	...	...	...	
Without Violence.								
Theft ... {of cattle	683	455	171	264	12	8	...	
{ordinary	7,041	5,813	1,749	4,000	47	10	7	
Dishonestly receiving stolen property	533	751	277	456	9	5	1	
Dishonest misappropriation of property	216	288	102	150	2	4	...	
Criminal breach of trust	213	232	98	123	4	7	2	
Cheating	138	180	101	70	2	5	2	
Malicious Offences.								
Mischief, ordinary	319	556	353	201	1	1	...	
Mischief by poisoning or killing cattle	110	92	47	43	2	...	...	
" by destroying landmarks	1	1	1	...	...	...	...	
Serious mischief by fire	79	30	19	8	...	1	2	
Criminal trespass or house-trespass	733	1,153	675	477	...	1	...	
Breaking closed receptacle	2	2	..	2	...	...	...	
Total, Class III. ...	11,871	10,492	3,961	6,317	94	51	69	
CLASS. IV.								
OFFENCES NOT INCLUDED IN THE ABOVE CLASSES.								
Belonging to a gang of ... {Thugs	1	1	1	...	...	...	...	
{Dacoits...	10	14	10	4	...	...	...	
{Thieves	4	3	2	1	...	...	...	
Criminal breaches of contracts of service	19	36	20	16	...	...	...	
Total, Class IV. ...	34	54	33	21	...	...	...	

B.—JUDICIAL.

2.—(*Criminal.*)—*Statement of Offences reported, &c.*—(concluded.)

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.								
Breaches of Laws relating—								
To Excise on Spirits and Drugs (*Abkaree*)	1,076	1,300	304	988	4	4	...	
„ Customs Act	208	246	54	191	...	...	1	
„ Post Office Act	7	7	1	6	...	...	...	
„ Jails	27	29	6	23	...	...	...	
„ Forests	135	406	131	269	1	5	...	
„ Gaming and Lotteries	603	3,502	853	2,640	2	6	...	
„ Cattle Trespass Act	48	85	43	42	...	...	...	
„ Possession of Arms	11	14	2	11	...	1	...	
„ Merchant Shipping Act	29	64	33	31	...	...	...	
„ Local Rules...	2	17	4	11	...	1	1	
„ Port Rules	1	1	...	1	...	...	...	
„ Revenue Rules	21	104	67	35	...	2	...	
„ Police Act	359	733	97	636	...	...	...	
„ Cantonment Rules	101	193	9	184	...	...	...	
„ Carriages, Carts and Boats	20	60	28	32	...	...	...	
„ Contagious Disease	65	106	29	77	...	...	..	
Nuisances under Police or Municipal and Local Acts	1,667	5,774	509	3,264	...	1	...	
Fishery Act	41	122	53	69	...	...	...	
Stamps	11	26	8	17	1	...	...	
Registration	1	2	1	1	...	...	...	
Railways	13	28	4	24	...	...	...	
Ferries	3	3	1	2	...	...	...	
Embankments	30	128	8	120	...	...	...	
Contract Act, XIII. of 1850...	18	23	8	15	...	...	...	
Mutiny Act	1	1	...	1	...	...	...	
Hill Regulation	4	4	...	4	...	...	..	
Total ...	4,504	10,978	2,253	8,694	9	20	2	
ABSTRACT.								
Offences under Class I.	2,641	5,718	1,577	4,042	23	45	31	
Do. do. Class II.	5,245	6,984	3,628	3,149	38	48	121	
Do. do. Class III.	11,871	10,402	3,961	6,317	94	51	69	
Do. do. Class IV.	34	54	33	21	...	...	...	
Breach of Special Laws of the Province	4,504	10,978	2,253	8,694	9	20	2	
Grand Total ...	24,295	34,226	11,452	22,223	164	164	223	
Vagrancy without ostensible means of livelihood	1,229	1,316	242	1,070	2	2	...	
Security to keep the peace	62	74	2	72	...	...	...	
Maintenance of wife and children	31	31	11	20	...	...	...	
Maintenance of lunatics	1	1	...	1	...	...	...	
Removal of nuisances	40	130	2	128	...	..	...	
Non-compliance with order to give bond	4	4	...	4	...	...	...	
Total ...	1,367	1,556	257	1,295	2	2	...	

3.—(Criminal).—Statement showing the general result of Criminal Trials in the Tribunals of various classes in the Province of British Burma, (exclusive of the Town of Rangoon) in the year 1877.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year.	Brought to trial during present year.				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred	Died, escaped or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Unpaid Magistrates ...		15	4	30		47	47	20	3	19		5			78	Besides these two were sent up for higher punishment.
Local and Subordinate paid Magistrates	101	11,394	1,034	5,349	13	63	17,873	2,297	4,440	10,975	9	106	46	3	34.652	Eighty-one ditto.
Full power Magistrates exercising jurisdiction throughout the district	67	8,491	529	3,720	1	192	13,000	1,548	2,270	8,946	124	37	75	3·7	24,284	
Chief Magistrates of Districts	28	2,305	125	236	70	542	3,306	421	453	2,283	90	16	43	3·2	6,962	
Total Magistracy	196	22,205	1,692	9,335	84	797	34,226	4,286	7,166	22,223	223	164	164	3·3	65,976	Eighty-three persons sent up for higher punishment have been shewn against the Subordinate Magistrate in columns 2 to 6, and again against the sentencing Courts in column 7.
Sessions Courts .. .	20		..			138	158	2	31	114	.	1	10	40	760	
Court of the Judicial Commissioner	2		.			84	86		20	58		1	7	34	288	
GRAND TOTAL, ...	218	22,205	1,692	9,335	84	1,019	34,470	4,288	7,217	22,395	223	166	181	25	67,024	

4.—(Criminal.)—Statement showing the Punishments inflicted by various Criminal Tribunals in the Province of British Burma (exclusive of the Town of Rangoon) in the year 1877.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENT.																				
																FINE.									IMPRISONMENT.										WHIPPED.		
																									15 days.		6 months.		2 years.		7 years.		Above 7 years.				
	Death.	TRANSPORTATION. For life.	TRANSPORTATION. For a term.	Penal servitude.	IMPRISONMENT. Rigorous. With solitary confinement.	IMPRISONMENT. Rigorous. Without solitary confinement.	IMPRISONMENT. Simple.	Forfeiture of property.	FINE. With imprisonment.	FINE. Without imprisonment.	WHIPPING. In addition to other punishment.	WHIPPING. In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																						Rs. A. P.	Rs. A. P.	Rs. A. P.												
Unpaid Magistrates ...	...	...	...	..	...	3	...	...	...	14	...	2	...	...	15	7	6	...	1	...	...	539-0-0	533-0-0	46-8-0	...	...	3	...	...	...	...	...	...	...	2	...
Local and Subordinate paid Magistrates	...	...	...	...	44	2,514	104	8	298	7,820	64	449	1	8	...	5,118	2,751	195	54	..	...	1,31,393-10-1	1,05,230-15-2	9,768-0-9	503	70	2,050	34	5	...	...	...	...	....	165	266	82
Full power Magistrates of general jurisdiction ...	...	...	...	...	148	1,913	146	...	254	6,376	67	341	48	...	503	5,252	1,025	225	127	1	...	1,05,991-10-1	72,498-13-10	11,834-7-0	264	86	1,041	51	753	9	3	...	...	...	109	191	108
Chief Magistrates of Districts.	...	...	1	...	101	1,006	68	...	137	965	34	140	23	...	552	651	316	86	45	4	...	35,021-9-11	19,208-5-7	1,954-5-2	48	22	330	40	513	6	216	...	...	...	37	79	58
Total Magistracy ...	...	...	1	...	293	5,436	318	8	689	15,175	165	932	72	8	1070	11,028	4,098	506	227	5	...	2,72,939-14-1	1,97,471-2-8	23,603-4-11	815	178	3,424	125	1,271	15	319	...	...	...	311	538	248
Sessions Judges... ...	27	18	2	...	1	65	2	...	8	...	...	...	...	...	...	...	...	1	5	1	...	8,050-0-0	5,000-0-0	...	...	2	7	...	21	...	31	...	7	...	...	...	...
Judicial Commisioner ...	4	14	11	...	...	20	3	...	...	1	...	...	...	...	...	...	...	...	1	...	...	400-0-0	400-0-0	400-0-0	...	3	1	...	5	...	14	...	...	...	...	...	...
GRAND TOTAL ...	31	32	14	...	294	5,521	323	8	697	15,176	165	932	72	8	1070	11,028	4,098	507	233	6	1	2,81,389-14-1	2,02,871-2-8	24,003-4-11	815	183	3,432	125	1,297	15	264	...	7	...	311	538	248

5.—(Criminal.)—Statement showing the Result of Appeal and Revision in Criminal Cases in the Province of British Burma (exclusive of the Town of Rangoon) during the year 1877.

TRIBUNAL	Number of appellants or persons applying for revision under section 404, C of Cr P	NUMBER OF PERSONS.								REMARKS.
		Appeals or applications rejected	Sentences confirmed	Sentences modified	Sentences reversed	Proceedings quashed	Further inquiry or evidence ordered	Cases referred for revision to High Court.	Pending	
Magistrates of Districts — Appeals from unpaid Magistrates										
Magistrates of Districts — Appeals from paid Magistrates	389	49	159	61	98	2	3		17	
Sessions Courts. — Appeals from unpaid Magistrates.										
Sessions Courts. — Appeals from paid Magistrates	412	75	236	29	45		2	2	10	Two otherwise disposed of Eleven rejected as the appeals lay to Judicial Commissioner.
Judicial Commissioner, as Court of Session	109	4	63	14	17		4		7	
Ditto as High Court. — Appeals	166	10	104	18	18				16	
Ditto as High Court. — Revisions	615		378	42	144		9		42	
	1,691	138	940	164	322	2	18	2	92	

II.—Statement showing use of Jurors and Assessors in the Criminal Courts of the Province of British Burma (exclusive of the Town of Rangoon) in the year 1877.

CLASS OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jury or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note showing in what classes of cases Jurors and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Sessions Court, Arakan	2	...	19	...	...	14	4	Jurors and Assessors have been principally employed in Criminal trials only.	In one case the opinion of Assessors was not taken as the prosecution failed to establish the charge and the accused acquitted without being called for his defence.
Ditto, Pegu	2	..	26	...	...	8	15		In one case the Sessions Judge agreed with one Assessor, but differed from the other.
Ditto, Tenasserim	3	.	35	.	...	27	8		In two cases Assessors were not called upon to give their opinion, as the prisoners were acquitted under section 251, Criminal Procedure Code.
Judge's Court, Moulmein, (Criminal)	5	20	.	20	..		.		
Judicial Commissioner's Court as Court of Session . ..	3	1	50	1		39	7		Opinion not asked in four cases charge being withdrawn in two cases, and two persons being acquitted on the ground of insanity.
Total ..	15	21	130	21	..	88	34		

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1878.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS

—

1879.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1878.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 221, dated the 14th August 1879.

READ—

Report on the Administration of Criminal Justice in British Burma for the year 1878.

RESOLUTION.—In accordance with the usual practice, the present report is divided into two parts,—the first part relating to courts exercising jurisdiction in the town of Rangoon, and the second part to the Court of the Judicial Commissioner and those subordinate to him. Mr. C. J. Wilkinson presided over the Court of the Recorder throughout the year. Mr. Sandford held the office of Judicial Commissioner from the beginning of the year to the 22nd February, Mr. Jardine from the 22nd February to the 30th November, and Mr. Crosthwaite officiated from the 1st December to the end of the year.

2. From the combined statistics, it appears that the total criminal work of the year was somewhat less than it was in 1877. In the following table the work of the magisterial courts for the two years is summarized :—

Year.	Cases reported.	Persons for trial.	Convicted or committed.	Acquitted or discharged.	Died, escaped, transferred, or pending.
1877	29,508	40,741	27,181	13,266	179
1878	27,584	40,232	26,825	13,075	332

The main features of the criminal history of the year have been already reviewed in the Police Report, and it will be sufficient now to note that there was a very serious increase in offences against the person, while there was a decrease in each of the other classes of crime.

3. In the Special Court, in which the Recorder and Judicial Commissioner sit together as a court of appeal and reference, 75 appeals were heard, 12 capital sentences were confirmed and one reversed, and three references were decided. In the previous year the number of appeals was 29, and the number of capital sentences confirmed was five only. The work of the court has been increasing steadily of late years, and the Judges are of opinion that it is out-growing the object with which the Special Court was originally established, and that a change in the constitution of the three superior courts of the province will soon become a necessity. The Chief Commissioner concurs in this view, and will be prepared to give his careful consideration to any project which may be brought before him by the Judges with a view to improving the present system of judicature.

4. The work of the Recorder's Court differed but slightly in amount from the work of the previous year. Seventy-one cases were committed to this court,

as compared with 73 in the previous year ; 20 appeals were heard, and 15 cases were called for on perusal of the monthly returns of the Magistrates. Sixteen cases were brought before the court as a court of revision by the parties themselves.

5. The number of offences reported in the town of Rangoon during the year was 3,453, as compared with 3,850 in 1877. Offences against property decreased from 875 to 746 ; and petty crime from 2,356 cases in 1877 to 2,074 in 1878; but the number of cases of violent crime increased in a very marked degree, the figures for the two years having been 86 and 142 respectively. The increase in violent crime, as has already been noticed in the review of the Police Report, was common to the whole province. The total number of persons under trial before the Magistrates of the town of Rangoon during the year was 5,797. Of these, 4,345 were convicted or committed, 1,435 were acquitted or discharged, five died, and 12 remained under trial at the end of the year. Thus 75 per cent. of the persons under trial during the year were either convicted or committed to the Court of Sessions,—a not unsatisfactory result. The punishment of whipping was inflicted in 167 cases, and that of solitary confinement in 13 cases. It is satisfactory to find that the punishment of simple imprisonment was inflicted in 17 cases only. The amount of the fines imposed during the year was Rs. 34,078, and nearly 71 per cent. of this amount was realized. Only Rs. 516, or 1·5 per cent. of the total amount imposed, was awarded as compensation to complainants. The work of the Magistrates' Courts was disposed of with commendable alacrity and care. Of the persons brought to trial, 58 per cent. were Natives of India, 32 per cent. were Burmans, six per cent. Europeans and East Indians, and four per cent. Chinese. Of the 4,241 persons convicted by the Magistrates, only 20 appealed to the Court of the Recorder ; and in 14 of these cases the appeal was rejected, or the finding of the lower court confirmed.

6. In the Judicial Commissioner's Court 226 appeals were filed, of which 209 were decided. Five hundred and thirty-eight cases came before him in revision, and 18 capital sentences were referred to him for confirmation. Mr. Jardine also visited many of the outstations, and examined the work of the local Courts, besides inspecting the jails in his character of official visitor.

7. The original work of the Sessions Courts consisted in the trial of 300 persons out of 314 committed for trial. Of these, only 59·6 per cent. were convicted. In 103 cases the Judge agreed with the Assessors and in 46 he differed from them. The Judicial Commissioner is not disposed to place much value on the assistance given to the Judges by the Assessors. No sentence of solitary confinement or whipping was passed by the Sessions Courts. Fines were inflicted to the amount of Rs. 8,030, but nothing was realized, except a sum of Rs. 3,030 in the Court of the Sessions Judge of the Tenasserim division, of which Rs. 1,500 was awarded as compensation to the complainant. The average duration of trials in the Sessions Courts was 31·49 days, as compared with an average of 38 days in the previous year. Five hundred and ninety-four persons appealed to the Sessions Courts: the finding of the lower court was altered in 158 cases, or 26·6 per cent. of the total number of appeals.

8. From the returns of the courts subordinate to the Judicial Commissioner, it appears that the total number of persons sent up for trial, including those awaiting trial at the close of 1877, was 34,435. Of these, 285 were committed to the Court of Session, 22,195 were convicted, 7,133 were acquitted, 4,507 were discharged without trial, and 100 died, escaped, or were transferred, leaving 215 for trial at the end of the year. Sixty-eight thousand three hundred and fifteen witnesses were examined, and the average duration of cases was 3·66 days. The number of persons convicted and committed was 65 per cent. of the total number brought to trial. This result, which is nearly the same as that of the previous year, cannot be considered satisfactory. The attaining of a good result depends partly upon efficient working of the police, and partly, in Magistrates' cases, on the exercise of due discretion by the Magistrate in issuing process. The Judicial Commissioner is disposed to think that Magistrates have not always shewn sufficient discretion in this matter, and the attention of the District Magistrates has been called to the fact.

BENGAL SECRETARIAT

9. The punishments inflicted by the courts during the past two years have been as follows:—

Description of punishment.	Number of sentences.		Percentage of total number of sentences.	
	1877.	1878.	1877.	1878.
Death	31	32	·14	·14
Transportation	46	91	·21	·41
Rigorous imprisonment with solitary confinement ...	294	205	1·32	·92
Ditto without ditto ...	5,521	5,532	24·73	24·77
Simple imprisonment	323	301	1·45	1·35
Fine only	15,176	15,316	67·98	68·58
Whipping only	932	857	4·17	3·83
Total ...	22,323	22,334	100	100
Whipping in addition to other punishment ...	165	182	·74	·81
Total number of sentences of whipping ...	1,097	1,039	4·91	4·64

From this statement it appears that while there was an increase in the proportions of sentences of transportation and fine, there was a decrease in the proportions of rigorous imprisonment, solitary confinement, simple imprisonment, and whipping. The small number of sentences of whipping is partially accounted for in the report. The Judicial Commissioner does not place much faith in the efficacy of solitary confinement as a punishment for Burmans, and in any case would refrain from drawing the attention of Magistrates by a circular order to this form of punishment. Fines were imposed by the Magistrates to the amount of Rs. 3,05,165, of which Rs. 2,26,936 (or 74·3 per cent.) were realized, and Rs. 31,208 (or 10·2 per cent.) were paid in compensation to complainants. In 1877 the proportion realized was 72 per cent., and the proportion paid in compensation was 8·2 per cent.; while in the previous year the proportion paid in compensation was five per cent. only. There has thus been a steady, if somewhat slow, improvement in the amounts awarded as compensation in the past three years; but the proportion is still far less than it should be. Magistrates should bear in mind that by failing to grant compensation to a complainant from the amount of the fine inflicted on the accused, they reduce him to the alternative of either receiving no redress for the injury inflicted upon him, or of undergoing much unnecessary trouble and delay in bringing a civil action to enforce his claim; while if he adopts the latter alternative, the accused undergoes a double punishment,—the payment of the fine in the criminal, and of the damages in the civil, court. The Judicial Commissioner has called the attention of Magistrates to this matter, and will no doubt take steps to prevent the danger which he apprehends of Magistrates punishing criminally what are in reality merely civil torts.

10. The Chief Commissioner is unable fully to share the satisfaction of the Judicial Commissioner at the very great decrease in the number of persons required to give security to be of good behaviour. The statistics of the Police Report appear to shew that the decrease does not indicate any greater care on the part of the police in making arrests, but rather a misapprehension of the Judicial Commissioner's circular on the subject; while there can be no doubt that, if carefully worked, the provisions of Chapter XXXVIII. of the Criminal Procedure Code are of great value in the suppression of crime. They are particularly useful as providing a means for the apprehension of professional offenders, who by their cunning and experience are frequently able to escape conviction for any definite offence. The census of habitual offenders in the Moulmein Jail last year shewed that of 29 prisoners who had been originally committed to jail in default of security to be of good behaviour, 27 were subsequently convicted of theft and two of dacoity; in other cases, these committals alternated with convictions for theft and dacoity. The Inspector-General of Prisons is taking steps to procure further statistics upon this subject from all the large district jails for

incorporation in his report for the current year. The increasing prevalence of opium-smoking and drunkenness among the Burmese was noticed in last year's report. Valuable opinions have since been received from a number of European and Native gentlemen, official, and non-official, who were consulted upon the subject, and their remarks and suggestions are under the consideration of the Chief Commissioner

11. The number of persons sentenced by subordinate Magistrates of the 2nd and 3rd classes was 12,248, and the number who appealed was 571,—about 4·75 per cent. In 314 cases, or 54·4 per cent. of the total number of appeals, the finding of the lower court was altered or reversed. Out of 2,723 persons convicted by Magistrates of the 1st class in appealable cases, 594, or 21·8 per cent. appealed; and in 108 cases, or 26·6 per cent., the finding of the lower court was either altered or reversed. Thus, as might have been expected, the appeals from the decisions of Magistrates of the 1st class were more frequent, but less successful, than those from Magistrates of the 2nd and 3rd classes. No less than 50 per cent. of the cases called for by the Judicial Commissioner in revision were either modified or reversed. The statistics shew that the Magistrates of the 2nd and 3rd classes greatly need advice and guidance. The Chief Commissioner would suggest, for the consideration of the Judicial Commissioner, whether it would not be expedient to require Magistrates of districts to call for and inspect monthly a larger proportion than at present of the cases decided by the officers under them. This check not only leads subordinate Magistrates to be careful in the preparation of their cases, but it gives a good District Officer valuable opportunities of guiding and directing his subordinates and training young officers in the discharge of their judicial duties.

12. Following the practice of previous years, the Judicial Commissioner has in the present report reviewed in detail the appeals from and revision of the decisions of each Magistrate in the province. These statistics are very useful and valuable for purposes of administrative control, but appear to be somewhat out of place in the annual report for the province, which is intended to deal with matters of wider and more general interest.

13. The appointment of Honorary Magistrates is a subject which has recently occupied the Chief Commissioner's attention. The measure is one to which he attaches very great importance, as he believes it will be a step towards giving independent members of the community a greater interest in the administration of the country. The subject however is still under consideration and scarcely belongs to the review of the proceedings during the past year.

14. In concluding these remarks, the Chief Commissioner desires to acknowledge the cordial assistance which he has received on the various occasions on which he has consulted the Judicial Commissioner and the Recorder, or asked their assistance in questions connected with the judicial administration. The report now under review is sufficient evidence of the ability and care with which both officers have discharged the ordinary duties of their respective offices.

By order of the Chief Commissioner,

G. D. BURGESS,

Offg. Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For 1878.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

DURING the year 1878, 21 persons preferred apppeals to this Court from sentences passed by the Court of the Recorder exercising the powers of a Court of Session; and 46 persons appealed from sentences passed by the Judicial Commissioner's Court in the exercise of its transferred jurisdiction under section 36 of the Burma Courts Act, 1875, as a Court of Session; whilst the appeals of eight persons to the Judicial Commissioner's Court were transferred to this Court for disposal,—making in all 75 persons who appealed.

2. The following table shews the above particulars and the results:—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1878.	Total number of persons.	How disposed of.				Pending.
				Rejected.	Modified.	Reversed.	Confirmed.	
Court of Recorder exercising the powers of a Court of Session	..	21	21	18	2	.	1	..
Court of Judicial Commissioner exercising the powers of a Court of Session	1	46	47	40	..	3	3	1
Appeals transferred by Judicial Commissioner ..	..	8	8	..	3	4	1	..
Total	1	75	76	58	5	7	5	1

In the case of the two persons whose sentences passed by the Recorder were modified on appeal, the Recorder—having some doubts as to the correctness of his charge to the jury, with regard to the true meaning to be put on the words "keeping an office or place for the purpose of a lottery," in section 294 of the Penal Code, on the accused being found guilty of this offence—suggested an appeal to the Special Court, on the ground of misdirection, in order to have the question of construction fully argued and determined by two Judges. As the Court was of opinion that it was essential that the drawing of a lottery should take place in the place said to have been kept for that purpose to sustain a charge under this clause of section 294, and as in the present case the drawing had taken place elsewhere, the verdict of guilty in this Court, of the charge, was set aside; but the Court upheld the verdict and sentence of the other Court, under the same section, for publishing a lottery.

3. In the previous year, 12 persons appealed from the sentence passed by the Court of the Recorder in the exercise of its powers of a Court of Session, and two as a High Court; and 15 from that of the Judicial Commissioner exercising the powers of a Court of Session.

4. There were three capital sentences passed by the Recorder, and 10 by the Court of the Judicial Commissioner as a Court of Sessions, referred for confirmation,—all of which were confirmed, except in the case of one person sentenced by the Judicial Commissioner, who was acquitted, the Court being of opinion that the charge was not proved.

There was one reference by the Recorder under section 263 of the Code of Criminal Procedure, he having disagreed with the verdict of "not guilty" of murder passed by a majority of the jury in the case of an Italian seaman who admitted, on the trial, to having killed a shipmate on board of a vessel in the river. The Court concurred with the Recorder, and passed a sentence of penal servitude for life.

There were two references by the Judicial Commissioner. One, on the question whether the Judicial Commissioner's Court, and not the Recorder's, is the High Court over European British subjects in all cases, except of commitments to the Recorder's Court, arising outside the Recorder's ordinary original criminal jurisdiction, *i. e.*, outside the limits of the town of Rangoon. The Judges did not agree,—the Recorder being of opinion that the Court of the Judicial Commissioner had no jurisdiction as a High Court over European British subjects within British Burma, and that the Burma Courts Act, 1875, conferred that jurisdiction solely on him: the Judicial Commissioner held the contrary, and that the Recorder had no such jurisdiction, except so far as regards the Magistrates' Courts in the town of Rangoon. The Court being equally divided in opinion, as the Judicial Commissioner's was the referring Court, his opinion, by virtue of section 76 of Act XVII. of 1875, although that of the junior Judge of the Court, prevailed. How far this decision of the Court is in accordance with the intention of the Legislature, or even the express words of the Act, is a question which admits of some doubt. The Judges intend to avail themseves of the first opportunity that arises to refer this most important question of jurisdiction to the High Court at Calcutta in order that it may be finally settled. The other reference was (1) as to whether an appeal lay from a conviction and sentence passed by the Judicial Commissioner in a case which he transferred of his own motion to himself, professedly in the exercise of his powers as a High Court under section 64 of the Code of Criminal Procedure; (2) whether a capital sentence passed in such a case was subject to confirmation by the Special Court. The Judges were unable to agree in their view of the law in this case either; and consequently, as the accused had filed an appeal from the Judicial Commissioner's finding and sentence, they were able to refer the points to the High Court for its opinion.

That Court held that the view taken by the Recorder was correct,—that both an appeal lay to the Special Court, and that the sentence passed was subject to its confirmation.

5. The revenue of the Court during the year, from court-fee stamps, amounted to Rs. 2,418-0-4; and the expenditure, Rs. 1,800. In the previous year the revenue was Rs. 903-1-0, and the expenditure, Rs. 1,800.

The Judges of the Court, since the beginning of the year 1878 up to 22nd February, were Mr. Sandford and Mr. Wilkinson; from that date up to 1st December, they were Mr. Wilkinson and Mr. Jardine; and from 2nd December to the close of the year 1878, they were Mr. Wilkinson and Mr. Crosthwaite.

The time which the Judges have devoted to the work of the Court during the last year was considerably longer than in any previous year, which has affected to some extent the disposal of the business of their respective Courts. The work of the Special Court is yearly becoming heavier and more important, and the Court is outgrowing the original object with which it was established, namely, the hearing of civil appeals from Moulmein; and we are of opinion that the question of the amalgamation of the three existing Superior Courts, if the province is to have a system of judicature suitable to its requirements and necessities, will ere long press for consideration. The Special Court, presided over by only two Judges, is a most unsatisfactory compromise between necessity and expediency; and one of its most objectionable features is that in every criminal appeal one of the Judges is the Judge from whose decision the appeal has come. We do not desire to enter into a discussion here on the subject of a change, but have merely alluded to it as one which will, we think, be required to be dealt with in the interests of justice, and which seems to us not to admit of a very lengthened postponement.

C. J. WILKINSON,

R. J. CROSTHWAITE,

Judges of the Special Court, British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1878.

DURING the year 1878 there were 66 cases committed to the Recorder's Court as a Court of Sessions, of which 13 were committed by the Senior Magistrate and 53 by the Assistant Magistrate : five cases were committed to the Court as a High Court,—two by the Senior Magistrate and three by the Assistant Magistrate,—making altogether 71 cases for disposal. Of these, 69 were disposed of, and two remained pending at the close of the year,—the accused in one of these being found to be of unsound mind and incapable of making his defence, and the other having been committed after the closing of the last Sessions of the year. In one case, where an Italian sailor was charged with the murder of a shipmate, I disagreed with the verdict of acquittal returned by a majority of the jury, it being manifestly opposed to the evidence, and referred it, under section 263 of the Criminal Procedure Code, to the Special Court; that the Court concurred in my opinion, and found the accused guilty of murder, but, under the special circumstances of the case, sentenced him only to penal servitude for life. Three capital sentences were passed by the Court as a Court of Sessions, all of which were confirmed by the Special Court.

2. Twenty-one persons convicted by the Recorder as a Court of Sessions appealed to the Special Court. The finding and sentence of two of these were modified. These were two Chinamen who had been tried jointly on two counts for offences under section 294A. of the Penal Code,—one being for keeping an office or place for the purpose of drawing a lottery, and the other for publishing the same lottery. Upon the construction I put when charging the jury on the words of the section for the purpose of drawing, namely, that it was not necessary that the drawing should actually have taken place in the office, if the office had been kept for the purpose of the lottery, to make the keeping an offence, the two accused were found guilty on both counts of the charge, and sentenced to punishment accordingly. But as I had some doubts of the correctness of my ruling, I suggested an appeal in order that the matter should be argued before, and decided by, two Judges. The Special Court, on hearing the appeal, held that it was necessary that the drawing of the lottery should actually take place in the place alleged to have been kept for the purpose of the drawing before an accused person could be convicted; and the fact being that the drawing did not take place where the business connected with the lottery had been carried on, but elsewhere, the verdict of guilty on the first count was reserved, and the accused acquitted thereon; but on the second count, for publishing the lottery, the verdict and sentence were upheld. Eighteen appeals were rejected, and one was dismissed.

3. In the previous year there were 72 cases committed to the Court as a Court of Sessions, and one as a High Court. The number of committals to the Sessions for the last two years is greater than formerly; but this fact is not to be taken as indicative of a proportionate increase in the more serious classes of crime, but as shewing that the Magistrates are more observant of the procedure under section 315 of the Criminal Procedure Code than formerly, for as a rule they now commit for trial those whom they consider habitual offenders, instead of disposing of such cases themselves.

4. The following table shews the number of persons whose cases came up before the Court in appeal from the finding and sentences of the several Magistrates of the town of Rangoon and the result :—

From what Magistrate.	Number of persons.	Rejected.	Confirmed.	Modified.	Reversed.
Senior Magistrate..	4	2	1	..	1
Assistant do.	15	9	1	1	4
Do. do. of Kemendine	1	1	..	..	..
Total	20	12	2	1	5

5. In the exercise of its powers of superintendence and revision as a High Court under section 297 of the Code of Criminal Procedure, the Court called for 15 cases on perusal of

the monthly returns submitted by the Magistrates. In seven cases the proceedings of the lower Courts were modified or reversed; in one case the finding was quashed, as the Court had no jurisdiction to dispose of it, and the accused was directed to be committed to the Court of Sessions for trial; and in seven cases errors of law and irregularities of procedure were pointed out. There were also 16 cases brought before the Court as a Court of Revision by the parties themselves, who felt aggrieved at the decision of the lower Courts. In eleven instances the proceedings were not interfered with; in three the Assistant Magistrate was ordered to investigate the complaints which he had thrown out without trial; in one, his sentence was quashed as illegal; and another was ordered to be transferred from the Assistant Magistrate's file to that of the Senior Magistrate for investigation.

THE MAGISTRATES' COURTS.

6. The subjoined table shews the number of bailable and non-bailable offences reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with the preceding year :—

Year.	Number of offences reported during the year 1877-78.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1877	948	2,902	3,850	3,545	6,513	1,814	4,589	96	..	1	15
1878	843	2,610	3,453	3,156	5,797	1,435	4,241	104	1	4	12
Increase	..	..	..	..	..	..	..	8	1	3	..
Decrease	105	292	397	389	718	379	348	..	..	..	3

In this return the figures for the year under review compare favourably with those for 1877. A decrease of 397 cases in the "reported" column causes a proportionate decrease in the columns of cases and persons "brought to trial," "acquitted," and "convicted" respectively. The increase in the number of pending cases is trivial, and the small number shews the diligence of the Courts in the disposal of their work. As the Town Magistrate remarks, the increase or decrease in the "pending" column greatly depends on the nature of the cases which are brought into Court during the last week or fortnight of the closing year. In the "acquitted or discharged" column are included the "withdrawn" and compounded" cases, which increase the apparent proportion of acquittals to convictions.

7. The following tables shew the number and the results of the non-bailable offences for the year in comparison with the previous year :—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1877	948	618	793	183	521
1878	843	582	765	169	505
Increase	..	..	..	..	..
Decrease	105	66	28	14	16

This indicates a satisfactory decrease in serious crime, as well as success in bringing offenders to punishment, the percentage of convictions being 74, including those that were committed to the Sessions :—

Non-bailable offences.

Year.	Number of offences reported.	Number of convictions.	Percentage of detection.
1877	948	588	62·02
1878	843	572	67·85

The Town Magistrate has furnished the above table to shew the percentage of detections to cases reported. Under the head of "reported cases," those only are included which after investigation are believed to be real cases. Those which under authority of the Magistrates are struck out of the Inspectors' report books as "false cases" are not included. The Town Magistrate observes in his report that every reported non-bailable case must be entered and enquired into by the Inspectors, and may not be expunged without the Magistrates' authority. The proportion of convictions to reported cases in separate districts where the returns are compiled on different methods cannot well be compared; for in one district every trivial and baseless case may be returned as a reported" offence, and so increase the apparent amount of crime; whilst in another the course adopted by the Police here is followed. The latter, no doubt, makes the proportion of convictions greater, and does to this extent indicate greater success in the punishment of crime than where the returns are compiled on the former bases; but I think a return thus made up gives a truer indication of actual crime than the other.

8. The following tables shew the offences against property, with and without violence, in the last two years :—

Offences against property with violence.

	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1877.	1878.	1877.	1878.	1877.	1878.
Dacoity	..	3	..	..	..	..
Robbery	9	7	6	3	8	4
Extortion	4	4	4	4	6	4
Total ..	13	14	10	7	14	8

Offences against property without violence.

	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1877.	1878.	1877.	1878.	1877.	1878.
House-breaking in order to commit theft	21	37	20	27	18	35
Theft	758	625	466	386	434	384
Receiving stolen property	83	70	83	70	85	80
Total ..	862	732	569	483	537	499

The dacoity cases occurred in the river, within the town Magistrate's jurisdiction, but beyond the control of the Town Police. Hence, instead of being made over to the town authorities, they were taken before other Magistrates by the police constables concerned

in the cases, either in ignorance of where the jurisdiction lay, or to save themselves trouble This will account for these cases appearing in the table as not having been brought to trial. The table indicates a decrease in violent robberies. The increase in house-breaking cases, it would seem, is rather technical than real. There is no doubt a great many cases which are technically within the definitions, section 445, Indian Penal Code, are of a petty character when the careless habits of the people and the slight character of the dwellings are considered, and in reported offences, sections 380 and 457 of the Indian Penal Code, are interchangeable. The theft cases shew a considerable decrease.

9. The following comparative table gives the details of violent crime :—

Description of offences.	Reported offences.		Offences brought to trial.		Persons convicted and committed.	
	1877.	1878.	1877.	1878.	1877.	1878.
Murder	3	7	2	6	2	5
Attempt at murder..	4	7	4	7	3	7
Culpable homicide not amounting to murder ..	2	2	2	2	1	2
Grievous hurt	6	19	6	19	9	23
Do. on grave and sudden provocation ..	..	..	..	..	..	..
Hurt	57	77	56	67	48	72
Do. with dangerous weapon	14	30	13	20	10	16

This shews an increase of four murder cases, the details of which are given in the Police Report; also attempts to murder shew an increase of three. The prevention of such cases is beyond the police control, but the apprehension of the criminals has been satisfactory. The crimes of grievous and other hurt have increased, notwithstanding prompt measures and severe sentences by the Sessions and Magistrates' Courts. If drunkenness had much increased, it might account in some measure for the increase in this class of offences; but there were more cases of drunkenness in 1877 than in the year under riview. With an excitable people like the Burmese, easily moved to anger, and their proneness to use any dangerous weapon that may be at hand, (commonly the *dha*), such offences are not easily restrained by the fear of punishment or police action.

10. The subjoined table classifies the petty offences.

Cases.	1876.	1877.	1878.
Assault	514	560	456
Insult	87	85	86
Creating a disturbance	291	268	184
Nuisance (Police Act)	90	144	139
Breach of local rules and special laws	1,318	971	847
Drunk and disorderly	425	328	362
Total ..	2,725	2,356	2,074

There has been a gradual deceease in cases of breach of local rules and special laws since 1876. This is no doubt attributable to these rules and laws having become better known, for the great number of cases in 1876 were for trespass and other petty offences against the railway bye-laws. The decrease in drunkenness may account for the decrease in the assault cases.

11. The annexed table shews the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of 1878 :—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped or transferred.	Remaining under trial: In custody.	Remaining under trial: On bail or recognizance.	Number of persons under trial at the close of the year whose cases have been pending over six months.
Town Magistrate of Rangoon	Bailable ..	953	78	186	689	..	..	..	..	..
	Non-bailable ..	122	..	22	81	19	..	..	..	..
	Total ..	1,075	78	208	770	19	..	..	..	..
Assistant Magistrate of Rangoon	Bailable ..	3,739	332	557	2,821	16	3	..	10	..
	Non-bailable ..	566	9	124	362	69	2	..	..	..
	Total ..	4,305	341	681	3,183	85	5	..	10	..
Assistant Magistrate of Kemendine	Bailable ..	340	41	72	226	..	..	..	1	..
	Non-bailable ..	77	..	14	62	..	..	1	..	..
	Total ..	417	41	86	288	..	..	1	1	..
Grand Total ..		5,797	460	975	4,241	104	5	1	11	..

This statement shews, both as regards the number and importance of the cases, that the great bulk of the magisterial work falls upon the Assistant Magistrate. No doubt the Town Magistrate has other important duties which engage his time and attention; but in my opinion there should be a more even distribution of work between them, unless the administration of criminal justice is to be regarded as a secondary part of the Town Magistrate's duties.

12. Exclusive of the cases in the foregoing table, there were 159 miscellaneous cases connected with shipping, accidental deaths, lunatics, &c.; of these, 78 were in the Assistant Magistrate's Court, and 81 in the Magistrate's Court.

Statement of shipping casualties for the year 1878.

Case No.	No.	Subject.
8 of 1st quarter 1878 ..	1	Grounding of ship *Daphne* while in charge of Mr. Wright.
11 of do. ..	2	Collision between *Theophane* and *Flintshire*.
17 of do. ..	3	Enquiry into the conduct of native Pilot Burket Ally.
6 of 2nd do. ..	4	Enquiry into the loss of barque *Mary Ann*.
2 of 3rd do. ..	5	Grounding of barque *Maria* while in charge of Pilot Mahommed Hossain.
9 of do. ..	6	Enquiry into the upsetting of a canoe under the bows of the S.S. *Oriental* while in pilotage charge of Mr. Fuller.
6 of 4th do. ..	7	Enquiry into the cause of the fire which broke out on board the *Luckee Beelass*.
19 of do. ..	8	Enquiry into the charge against Mr. Pilot Simmonds for collecting fees on board the S.S. *Asia*.

The investigations in the last statement, held by order of the Chief Commissioner under Act I. and Act IV. of 1875, were conducted by the Senior Magistrate.

13. The following table gives the punishments inflicted by the different magisterial authorities:—

Class of tribunal.	Persons sentenced to: Solitary confinement.	Simple imprisonment.	Rigorous imprisonment.	Fine.	Whipping.	Persons ordered to: Give recognizance or security to keep the peace.	Give security for good behaviour.	Amount of fines: Imposed.	Realized.	Awarded as compensation.
								Rs.	Rs.	Rs.
Town Magistrate	6	5	83	643	13	9	5	6,069	4,487	26
Assistant Magistrate	7	9	470	2,478	131	24	40	24,867	17,671	208
Do. do., Kemendine ..	..	3	52	207	23	3	..	3,142	1,975	282
Total ..	13	17	605	3,323	167	36	45	34,078	24,133	516

14. The next table shews the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
Town Magistrate	1,078	58	9	..	2½ days.	2½ days.
Assistant Magistrate	4,268	216	31	..	3 „	2½ „
Do. do., Kemendine ..	666	6	..	..	..	3 „

This return, I consider, evidences very satisfactorily the diligence and promptitude of both the Magistrates and the police in the discharge of their respective duties, and that witnesses have no reason to complain of any undue detention when compelled to attend the Courts to give evidence. The duration of cases is higher in the Kemendine Court, where it should have been lower. This Major Evanson attributes to Moung Shwe Hlaing's delicate state of health.

15. The nationalities of persons brought to trial are shewn in the subjoined table :—

Nationalities.	1876.	1877.	1878.
Burmese	4,244	2,161	1,841
Chinese	448	880	244
Natives of Bengal and Upper India	1,919	786	993
Madrasees	1,204	2,600	2,184
Chittagonians	457	227	207
Europeans and East Indians	433	365	328

There is a decrease in all, except Bengalees and men of Upper India. The Madras people shew the largest number; and drunkenness amongst them, prevailing to a greater extent than amongst the other races, is, I think, the cause. This table includes all classes of offences.

Appeals.

16. The number of appeals from the Courts of the several Magistrates and the results are given in the report of the Recorder's Court.

17. The establishment of the Kemendine Court, Major Evanson considers to have answered fairly well; but it would seem, from the small number of cases disposed of, as if the district does not require the undivided time and attention of one Magistrate. Moung Shwe Hlaing thinks that one reason why the Court is not more resorted to is that the people are partly ignorant which Court they should complain to, and partly that they omit to complain because of the trouble of travelling the distance between Rangoon and Kemendine. At present, I take it, the greatest advantage its establishment affords is to the police, who are saved bringing in petty cases to be tried before the Magistrates sitting in the town.

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From R. J. CROSTHWAITE, Esq., Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 454-85, dated 24th April 1879.

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in British Burma (exclusive of the town of Rangoon) for the year 1878, together with a set of statistical returns.

2. The subjoined Tables A. and B. shew the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year.

A

Division.	Name of district.	Number offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1877.	1878.	1877.	1878.	1877.	1878.	1877.	1878.	1877.	1878.
Arakan.	Akyab	1,007	1,214	1,689	1,945	612	816	1,018	1,077	60.	55·
	Akyab town ..	1,005	835	1,807	1,456	345	326	1,452	1,120	80·	76·
	Kyouk-hpyoo ..	1,258	918	1,866	1,131	412	377	948	741	69·	65·5
	Sandoway	394	410	395	431	136	147	258	275	65·	63·
	Northern Arakan ..	88	49	137	96	48	23	93	72	67·	72·96
Pegu.	Rangoon	2,776	2,567	3,676	3,354	1,408	1,216	2,191	2 002	59·	59·66
	Thonkwa	1,290	1,402	2,652	2,926	1,034	1,280	1,571	1,621	59·	55·
	Bassein	2,227	2,635	3,935	3,769	1,291	1,082	2,599	2,616	66·	69·48
	Henzada	4,076	2,116	4,580	2,745	1,600	916	2,944	1,811	64·	66·
	Tharrawaddy ..	..	1,266	..	1,958	..	713	..	1,225	..	62·
	Prome	2,878	3,091	4,092	4,361	1,298	1,325	2,752	2,970	67·	60·
	Thayetmyo	1,526	1,805	1,908	2,241	522	576	1,314	1,637	68·	73·
Tenasserim.	Amherst	1,292	1,285	1,910	1,704	821	674	1,066	1,080	55·	60·
	Shwe-gyeen	1,244	1,091	1,665	1,488	553	598	1,087	875	65·	58·6
	Toungoo	939	1,080	1,299	1,591	458	566	818	990	62·	62·
	Tavoy	359	320	411	476	130	173	277	300	67·	62·
	Mergui	277	298	353	394	96	133	244	242	69·	62·7
	Salween	72	59	112	98	20	20	88	77	78·	78·
	Moulmein	1,587	1,615	2,289	2,181	678	670	1,503	1,464	67·	68·
	Total ..	24,295	24,111	34,226	34,435	11,452	11,640	22,223	22,195	64·	61·45
	Increase ..	..	..	..	209	..	188	..	..	..	..
	Decrease ..	..	184	..	..	..	..	28	..	..	2·55

Increase and decrease in the different districts during the year.

INCREASE.

Name of distric	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	207	256	204	59
Sandoway	16	36	11	17
Thonkwa	112	274	246	50
Bassein	408	..	..	17
Prome	213	269	87	218
Thayetmyo	339	333	54	323
Amherst	..	..	..	14
Shwe-gyeen	..	..	45	..
Toungoo	141	292	118	172
Tavoy	..	65	43	23
Mergui	21	41	37	..
Salween	..	..	..	..
Moulmein	28	..	..	..

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	170	351	19	332
Kyouk-hpyoo	345	235	35	207
Northern Arakan	39	41	20	21
Rangoon	209	322	192	189
Bassein	..	166	209	..
Henzada	1,960	1,835	684	1,138
Amherst	7	116	147	..
Shwe-gyeen	153	177	..	212
Tavoy	39	..	..	..
Mergui	..	..	..	2
Salween	13	14	..	11
Moulmein	..	58	8	39

B.

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.
Arakan.	Akyab ...	1877	4	6	5	6	...	...	1	8	6	2	4	...	8	6	43	25	3	1	189	216
		1878	2	1	2	5	1	...	...	...	3	1	...	...	11	7	37	35	25	29	329	190
	Akyab town ...	1877	2	1	...	...	1	1	...	...	...	...	...	...	1	...	6	6	3	4	123	83
		1878	3	1	2	2	1	1	...	...	...	...	...	...	1	...	5	6	...	...	134	76
	Kyouk-hpyoo ...	1877	1	1	2	1	...	...	2	6	7	9	...	...	6	5	25	20	5	2	596	354
		1878	2	1	4	4	2	1	2	...	3	6	1	...	7	2	14	13	7	3	406	230
	Sandoway ...	1877	...	...	...	...	...	...	...	...	1	...	3	2	...	...	47	14	..	...	177	68
		1878	...	...	1	...	...	...	...	...	1	3	...	...	...	...	17	9	2	1	198	106
	Northern Arakan ...	1877	1	1	...	...	...	...	...	...	...	...	1	...	...	...	2	1	...	...	9	8
		1878	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9	5
Pegu.	Rangoon ...	1877	1	...	10	7	3	6	11	4	28	36	12	3	12	16	169	43	116	40	987	461
		1878	7	4	18	18	4	1	9	33	27	30	6	2	26	26	85	26	135	53	775	440
	Thonkwa ...	1877	1	...	8	13	...	...	4	8	7	10	3	...	6	1	18	18	4	...	443	365
		1878	2	...	8	3	3	4	5	14	6	12	8	1	8	3	15	29	12	3	540	326
	Bassein ...	1877	3	1	8	7	2	...	4	10	6	9	6	...	11	10	77	53	26	18	641	516
		1878	...	...	9	7	1	1	1	16	7	14	4	1	9	12	141	83	15	4	535	396
	Henzada ...	1877	...	...	6	6	1	1	3	9	17	14	8	4	9	11	348	55	110	36	2,047	850
		1878	1	...	6	4	1	...	3	17	16	7	2	1	5	5	76	29	26	10	965	453
	Tharrawaddy ...	1877	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...
		1878	...	...	1	1	2	2	5	17	6	9	3	...	...	...	23	19	9	14	463	425
	Prome ...	1877	3	2	7	6	2	2	2	...	9	8	6	2	18	18	24	16	86	45	859	546
		1878	2	1	13	12	2	2	6	14	17	15	3	3	14	14	27	25	119	72	1,027	526

B—*(continued)*.

Division	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported.	Persons convicted	Cases reported.	Persons convicted.	Cases reported.	Persons convicted.	Cases reported	Persons convicted
Tenasserim	Thayetmyo ..	1877 .	2	2	3	1	1	.	4	1	4	3	3	1	8	8	67	15	138	39	555	278
		1878	1	.	4	3	1	1	3		13	2	2		1	..	29	12	126	32	717	299
	Amherst	1877 ...	1	1	14	9	2	1	3	3	6	4	3	1	8	7	31	27	109	35	386	195
		1878	3	.	17	14	1	1	8	8	6	6	2	1	8	2	19	14	157	68	400	190
	Shwe-gyeen . .	1877	2	2	6	9		...	3	3	4	6	4	1	6	3	16	12	32	15	440	202
		1878	1	.	2	6	4	...	2	4	4	3	4	3	4	3	31	18	14	13	420	186
	Toungoo	1877	4	5	7	7	2	1	2	..	6	5	..	..	2	1	16	10	29	10	204	116
		1878	5	2	5	9	...	..	4	4	6	..	...	..	3	2	17	19	21	12	215	112
	Tavoy	1877	1	2	2	2	.	..		...	2	5		...	2	2	33	11	5	10	69	31
		1878	...	.	2	2		...	..	...	..	...	1	...	1	1	27	4	3	..	83	39
	Mergui	1877	.		3	2	2	4	1	2	1	.	2	.	4	2	1	1	1	..	98	51
		1878	1	1	1	12	...	...	1	2	...	..		..	10	7	3	3	2	5	100	44
	Salween	1877 .. .	...	...	2	3	...	..	..	4	4	1	.	...	1	.	2	...	8	5	17	17
		1878		.	1	1	...	..	..	...	4	5	...	.	2	2	.	..	4	4	15	22
	Moulmein . ..	1877	2	...	4	6	3	2	...	...	3	4	...	.	8	5	22	7	8	4	236	102
		1878	2	2	4	8		..	.	.	2	.	4	2	5	4	18	7	4	.	275	99
	Total	1877	28	24	87	85	19	18	40	58	111	116	55	14	110	95	947	334	683	264	8,175	4,459
		1878	32	13	100	111	23	14	49	129	121	113	40	14	115	90	584	351	681	323	7,606	4,164
	Increase ...	...	4		13	26	4	.	9	71	10	...	.	.	5	.	..	17	.	59	...	.
	Decrease .	...	..	11			..	4	..	.		3	15	..	...	5	363	83	2	...	569	295

A.

(1.) There was a slight decrease in the number of offences reported during 1878, and a slight increase in the number of persons brought to trial. Of the total number of persons brought to trial (34,435), 22,195 were convicted and 11,640 acquitted or discharged. There was thus a decrease in the number of convictions; and the proportion of convictions to persons brought to trial fell from 64 per cent. in 1877 to 61·45 per cent. in 1878. Comparing these returns again with those of 1876, I find that in that year the result was as follows:—

Offences reported.	Number of persons brought to trial.	Number acquitted.	Number convicted.	Proportion of convictions to number of persons brought to trial.
24,573	86,299	11,418	24,430	67

(2.) As compared with the two previous years, the result in the year under report is not altogether satisfactory. When the proportion of persons acquitted and discharged is upwards of 41 per cent. of those dealt with by the Courts, the result cannot in my opinion be considered good. There is too great a tendency on the part of Magistrates to grant a summons, as a matter of course, on complaint made, without sufficient enquiry into the truth of the complaint; and this, in petty offences, leads to a high proportion of acquittals. This has been pointed out to District Magistrates, and it is hoped that the present year may shew an improvement.

In some districts,—for instance, Akyab town (76), Northern Arakan (72·96), Bassein (69·48), Thayetmyo (73), and Salween (78)—a very fair proportion of convictions has been attained. The worst results are in Akyab and Thonkwa, where only 55 per cent. of persons brought to trial were convicted. In Akyab, in the Court of one Magistrate of the 2nd class, 105 persons were acquitted or discharged out of 149 persons dealt with. In another 2nd class Magistrate's Court, 133 persons were acquitted or discharged out of 223 persons dealt with; and in cases tried regularly by the Magistrate of the district, which are presumably the most important criminal cases, 48 persons were acquitted or discharged out of 111 brought to trial. In Thonkwa, I have had, in some cases heard by the Magistrate of the district, to reverse orders improperly discharging accused persons, and to direct new trials. He reports that only 60 per cent. of persons brought to trial for theft were convicted; and that, of 775 persons brought to trial for non-bailable offences, the charge was proved against 371 only, or less than half. In cases tried regularly by the District Magistrate, 152 persons were convicted or committed out of 220 brought to trial. This result is satisfactory. The subordinate Courts in the Thonkwa district acquitted and discharged 1,205 persons out of 2,645,—a result far from what it should be, and which does not speak well for the criminal administration of the district.

(3.) The greatest increase in the number of persons brought to trial was in Thayetmyo (333); and the greatest decrease in Rangoon (322). The increase in Thayetmyo is explained by the high prices of food-grains, nearly one-half of the increase consisting of cases of theft. In Rangoon, there was a decrease of 209 in the number of offences reported, and of 322 in the number of persons brought to trial. There was a decrease of 277 in the number of cases reported of house-breaking and theft, cattle-theft shewing a slight increase, and theft a large decrease. The Magistrate can give no reasons for this, except improved police administration and magisterial supervision. If all reports of offences are duly recorded, the result must be regarded as satisfactory.

B.

(4.) Under the head of "offences against the public peace," 1,836 persons were brought to trial for rioting or being members of an unlawful assembly and for affray, and 1,306 were convicted.

Class II.—One hundred cases of murder were reported, six of which were committed by dacoits and nine by robbers. There were also 23 cases of culpable homicide and four of causing death by rash or negligent act,—which last probably should be classed under "culpable homicide," the provisions of section 304A. not being generally correctly understood. The increase in the number of murders reported was 13, and in the number of persons committed 26. One hundred and thirty-seven persons were brought to trial for murder, of whom 24 were discharged and 111 committed to the Sessions. Of 23 persons dealt with for culpable homicide, nine were discharged, six convicted by Magistrates, and eight committed for trial.

The number of persons prosecuted for acts dangerous to life or safety (253) appears abnormally large. In the North-West Provinces, in 1877, the total number prosecuted under this head was 41; in the Punjab, 18; in Oudh, 13; and in the Central Provinces there do not appear to have been any prosecutions. From the little I have seen, I am disposed to think the law on this matter is not correctly understood.

One thousand three hundred and eighty-two persons were tried for criminal intimidation or insult, which is more than double the number tried for that offence in the North-

Western Provinces in 1877, and exceeds by 500 the number tried in the Central Provinces. In Oudh, 43 persons were brought to trial for this offence; and in the Punjab, 94. The number tried in British Burma appears to me excessive; and the fact that 882 persons were acquitted or discharged to 491 convicted shews that Magistrates are too ready to allow prosecutions for this offence, for which false charges or frivolous charges can easily be brought. No doubt the irascible nature of the Burmese, and the probability of abuse and insults being revenged with violence, induces Magistrates to entertain complaints of this nature more readily than they do elsewhere; but there is clearly room for improvement in their manner of dealing with them.

The Gambling Act has been stringently enforced, no less than 3,164 persons having been prosecuted and 2,484 convicted under that Act during the year. There seems to be a general opinion on the part of Magistrates that gambling should be put down with a strong hand, as tending to induce the commission of offences against property. Due care was taken by my predecessor to prevent any abuse of the law, and the action of the subordinate Courts in this respect will be watched.

Class III.—There was an increase of nine reports of dacoities, for which offence 168 persons were brought to trial and 129 convicted and committed, as compared with 40 reports and 58 convictions in the previous year. One hundred and twenty-one reports of robbery were made, 203 persons tried, and 113 convicted and committed, as compared with 111 robberies reported in 1877 and 116 convictions. For offences falling under the heads of house-breaking with intent to commit theft or other offences and simple house-breaking, there were 516 persons brought to trial, and 351 persons convicted and committed,—a fair proportion. Trials for theft give a result of 3,929 persons convicted and committed out of 6,066 tried. This proportion (66 per cent.) is tolerable. In the North-West Provinces, in 1877, the proportion of convictions to persons tried for theft was about 81 per cent.; and in the Central Provinces, about 83 per cent. These percentages were no doubt raised by the number of petty thefts which came before the Courts in consequence of the famine; but I think that 66 per cent. of convictions of theft is a proportion with which Burma should not be contented.

It is especially under the heads of petty malicious offences, such as mischief and criminal trespass, that the defective working of the Courts appears. Under these heads, we have 1,359 persons acquitted and discharged, against 901 convicted. This results from a want of care in issuing process; and this I am pointing out to Magistrates whenever necessary. In the North-West however, in 1877, under the heads of mischief and criminal trespass, there were 5,089 persons acquitted or discharged to 3,719 convicted, which is a less satisfactory result.

Magistrates generally find a difficulty in ascertaining, by examination of the complainant, whether there are grounds for allowing a prosecution; and this difficulty is unquestionably a real one, and, when the complainant swears to the truth of his complaint, and the complaint discloses a proper case to come before the Court, a Magistrate should, as a rule, grant a summons. I am however inclined to think that the complainant is not always carefully examined, and that the Magistrate is not always careful to ascertain that the alleged offence is of a nature cognizable by the criminal Courts.

The next table shews the amount of criminal business in the several districts, the result of the trials and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended.

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
									Days.	
Arakan.	Akyab ..	1,945	452	364	1,077	14	26	12	5·5	3,709
	Akyab town ..	1,456	107	219	1,120	10	..	..	3·	1,262
	Kyouk-hpyoo ..	1,131	116	261	741	7	3	3	2·59	3,017
	Sandoway ..	431	30	117	275	..	1	8	5·26	1,411
	Northern Arakan ..	96	8	15	72	..	1	..	1·96	49
Pegu.	Rangoon ..	3,354	806	410	2,002	71	8	57	5·	6,544
	Thonkwa ..	2,926	385	895	1,621	4	1	20	4·	4,023
	Bassein ..	3,769	428	654	2,616	33	5	33	4·	9,481
	Henzada ..	2,745	396	520	1,811	9	5	4	4·	6,219
	Tharrawaddy ..	1,958	201	511	1,225	3	5	13	3·27	3,974
	Prome ..	4,361	603	672	2,970	33	7	16	2·46	7,800
	Thayetmyo ..	2,241	156	420	1,637	9	14	5	2·	5,016
Tenasserim.	Amherst ..	1,794	225	449	1,080	22	6	12	6·	3,133
	Shwe-gyeen ..	1,488	253	345	875	7	..	8	3·5	3,263
	Toungoo ..	1,591	95	471	990	12	17	6	2·5	2,745
	Tavoy ..	476	41	132	300	2	..	1	3·	871
	Mergui ..	394	20	104	242	12	..	7	4·	846
	Salween ..	98	5	15	77	1	..	..	3·	176
	Moulmein ..	2,181	111	559	1,464	36	1	10	4·50	4,776
	Total ..	34,485	4,507	7,133	22,195	285	100	215	3·66	68,315
	In 1877 ..	34,226	4,286	7,166	22,223	223	164	164	3·3	65,976

3. The number of persons remaining under trial at the end of the year was 215, the largest pending files being in Rangoon (57 persons) and Bassein (33 persons). These two districts and that of Prome had the heaviest criminal work,—rather more that one-third of the total number of persons brought to trial throughout the province having been dealt with by the Courts of those districts. Of the 57 persons under trial at Rangoon, 33 were waiting trial before the Assistant Commissioner of Syriam. The Deputy Commissioner of Rangoon states that this sub-division was left for a considerable period without a Magistrate, in consequence of the transfer of Mr. Phayre to Mandalay, and that this delayed the decision of cases. He also observes that the Magistrates in Syriam are overworked. The large pending file at Bassein is explained by the illness of Mr. Birks, the Assistant Commissioner.

4. The average duration of cases in the province is 3·66, as compared with 3·3. The highest average in any district is 5·26, which is by no means too high.

5. The number of witnesses attending the Courts increased from 65,976 to 68,315. The proportion of witnesses to number of persons brought to trial is a little under that of the Central Provinces, and I should think that the return is fairly accurate.

The subjoined table shews the punishments inflicted by the different magisterial authorities, and the orders passed in their preventive jurisdiction :—

Division.	Name of district.	Persons sentenced to						Amount of fine						Persons ordered to	
		Solitary confinement.	Simple confinement.	Rigorous imprisonment: Two years and under.	Rigorous imprisonment: Over two years.	Fine.	Whipping.	Imposed.			Realized.			Paid as compensation.			Give security for keeping the peace.	Give security for good behaviour.
								Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		
Arakan.	Akyab	..	9	313	8	737	35	18,671	8	0	15,292	11	11	268	0	0	..	23
	Akyab town	..	3	65	.	1,010	54	9,174	6	0	7,910	8	0	316	6	9	2	9
	Kyouk-hpyoo	2	2	283	11	480	41	7,306	5	0	4,722	6	3	191	0	0	1	27
	Sandoway	7	1	127	4	173	4	2,751	0	0	2,202	1	9	362	10	0	..	11
	Northern Arakan	..	4	8	..	59	1	675	0	0	460	0	0	70	0	0	..	1
Pegu.	Rangoon	58	18	573	43	1,308	119	45,804	0	0	31,697	7	6	3,876	10	9	..	89
	Thonkwa	7	19	312	34	1,219	80	22,536	0	0	18,448	0	0	1,348	0	0	1	64
	Bassein	27	23	612	40	1,977	90	44,669	8	0	31,728	13	0	9,800	0	0	9	52
	Henzada	23	20	521	26	1,237	82	21,494	0	0	14,870	11	0	6,869	14	0	..	20
	Tharrawaddy	28	10	491	39	629	127	17,974	13	6	14,601	7	6	820	0	0	..	46
	Prome	19	25	612	39	2,266	183	40,158	1	0	29,326	5	3	1,028	0	0	21	63
	Thayetmyo	4	20	332	4	1,301	84	20,780	15	5	13,634	10	9	1.361	8	0	..	40
Tenasserim.	Amherst	..	22	287	18	741	27	16,537	8	0	13,725	5	7	782	0	0	..	21
	Shwe-gyeen	19	20	274	15	540	58	6,010	7	0	4,980	8	6	508	8	0	1	19
	Toungoo	13	10	178	42	765	26	10,822	0	0	7,836	14	6	1,275	0	0	11	36
	Tavoy	2	10	63	..	280	4	3,094	4	0	2,079	4	0	100	0	0	..	..
	Mergui	..	2	80	5	151	4	3,070	0	0	2,371	0	0	1,212	8	0	..	..
	Salween	..	2	47	4	26	7	1,071	0	0	981	0	0	97	0	0	1	1
	Moulmein	1	76	170	..	1,216	13	12,614	8	0	10,067	7	0	383	0	0	22	11
	Total	205	296	5,348	332	16,015	1,039	3,05,165	3	11	2,26,936	10	6	31,200	1	6	69	583
	In 1877	293	318	5,510	219	15,864	1,097	2,72,939	14	1	1,97,471	2	8	28,603	4	11	72	1,070

Punishment inflicted by Magistrate.

6. There is a decrease of 88 in the number of persons sentenced to solitary confinement. This is no doubt a salutary punishment in the case of habitual offenders, if the solitary cells are made sufficiently solitary. From enquiries I made recently in the Moulmein Jail, I doubt however if the Burmese find solitary imprisonment a heavier punishment than hard labour. All the prisoners whom I examined in the solitary cells appeared to prefer to remain there, and do no work, to undergoing hard labour in the jail. With regard to the infliction of this punishment, I think that it is advisable to leave Magistrates to exercise the discretion which is given them by the law. To call the attention of Magistrates generally by a circular order to the efficacy of solitary imprisonment as a punishment would probably, as the Deputy Commissioner of Rangoon suggests, lead to a general award of that punishment in almost all cases tried by Burmese Magistrates.

7. There was a decrease in the number of persons sentenced to simple and rigorous imprisonment, an increase in the number of persons fined, and a decrease in the number whipped. These results are no doubt owing to the slight general decrease (77) in the number of convictions for serious crimes against the person and property. The tendency of the Burmese Magistrate is to err on the side of leniency, and cases have come before me in which fine has been awarded as the sole punishment for theft. Mr. Ireland, in his report, states that Burmese Magistrates dislike sentencing persons to whipping, as it is contrary to their religious principles to inflict pain; and moreover, as no Burman will flog, and there is not always a Hindustani available, Magistrates are averse to passing sentences which cannot be carried out.

8. Fines were imposed to the amount of Rs. 3,05,165,—a considerable increase on last year. Rs. 2,26,936 were realized, and Rs. 31,200 paid as compensation; but in this last sum rewards to informers appear to have been erroneously included in the returns of some districts. The realization of fines is fair, and the increase in the amount awarded as compensation is satisfactory. I have directed the attention of Magistrates to this matter wherever I have observed a neglect of the provisions of section 308 of the Criminal Procedure Code. The extent to which fine is resorted to as a punishment in Burma may be seen from a comparison with the returns of other provinces. Thus, in the North-West in 1877, the entire amount of fines imposed was Rs. 3,89,921, of which Rs. 3,00,891 were realized, and Rs. 22,944 paid as compensation, being upwards of Rs. 8,000 less than the amount paid as compensation in Burma. In Oudh, out of a total sum of Rs. 94,161 fines imposed, Rs. 16,859 were awarded and Rs. 9,167 paid in compensation. When so many of our Magistrates have but little knowledge of law, there is a danger that the liberal award of compensation under section 308 will induce people to save expense by bringing a criminal prosecution instead of filing a suit in the civil court; and that a good many persons will be punished criminally who never should have been brought before the criminal Courts at all.

9. There was a large decrease of nearly 50 per cent. in the number of persons required to give security for good behaviour. This is satisfactory, as there can be no doubt that the provisions of the law were enforced in the previous year without due discretion. In Akyab, 23 persons were required to give security for good behaviour, and in Kyouk-hpyoo, 27, as compared with 134 and 166 respectively in the previous year. The Commissioner, Mr. Hodgkinson, says that in Kyouk-hpyoo, in 1877, the law had been decidedly strained, and that security had been demanded from persons merely on evidence to the effect that they smoked opium, lived in idleness on their family and friends, and were suspected of pilfering. In Rangoon, the number of persons required to find security fell from 147 to 89; and in Henzada, from 158 to 66.

In the subjoined table is shewn the number of appeals from Sub-Magistrates, and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals :—

Division.	Name of district.	Name and designation of Magistrate from whose decision appeal was made.	Number of persons convicted by him.	Number of persons who appealed.	Number of persons in whose cases				Remarks.
					Sentence was confirmed or appeal rejected.	Sentences were modified,		Sentence reversed or proceedings quashed.	
						Enhanced.	Reduced.		
Arakan.	Akyab.	Dr. J. Mountjoy, Honorary Magistrate, 2nd class, Poundawbyaw	4	..	..	..	..	..	
		Moung Teckhine, 3rd class Magistrate, Ooreeoung East	124	3	3	..	..	..	
		Moung Mra Tha Doon, 2nd class Magistrate, Menbya	93	7	3	..	..	4	
		Moung Tsan Hla Baw, 2nd class Magistrate, Myohoung	245	2	2	..	..	..	
		Moung Mra Tha Doon, 3rd class Magistrate, Koladan	84	1	..	..	..	1	
		Moung Rai Baw Thoo, 2nd class Magistrate, Rathaidoung	137	27	14	..	8	5	
		Moung Pha Phroo, 2nd class Magistrate, Ooreetoung West	121	1	1	..	..	..	
		Moung Htoon Oo, 2nd class Magistrate, Naaf	127	6	5	..	..	1	
		Mr. D. L. M. Mackay, 2nd class Magistrate, Akyab	34	..	..	..	..	..	
		Mr. D. J. A. Campbell, 3rd class Magistrate, Akyab	13	..	..	..	..	..	
	Kyouk-hpyoo.	Moung Tsaw Hla Phroo, 3rd class Magistrate, An	33	6	3	..	..	3	
		Moung Poo Khine, Officiating 3rd class Magistrate, An	..	..	..	..	..	..	
		Moung Htoon Aye, 2nd class Magistrate, Myaibon	175	5	4	..	..	1	
		Moung Tsan Oo, 2nd class Magistrate, Cheduba	120	4	1	..	2	1	
		Moung Hla Htoon Oung, 2nd class Magistrate, Ramree	109	7	6	..	1	..	
		Moung Htoon Hla, Officiating 3rd class Magistrate, Ramree	72	..	..	..	..	..	
		Moung Shwe Dike Kay, 2nd class Magistrate, Kyouk-hpyoo	66	13	4	..	5	4	
		Moung Tsaw Hla Phroo, 3rd class Magistrate, Kyouk-hpyoo	..	..	..	..	..	..	
		Moung Hla Htoon Oung, 2nd class Magistrate, Kyouk-hpyoo	75	1	..	..	..	1	
	Sandoway.	Moung Shwe Bwin, 2nd class Magistrate, Khwa	6	4	1	..	3	..	
		Moung Shwe Boo, 2nd class Magistrate, Sandoway	86	18	12	..	4	2	
		Moer Hatim Hossein, 3rd class Magistrate, Sandoway	18	1	1	..	..	..	
	Northern Arakan.	Moung Shwe Hnya, 3rd class Magistrate, Myouk-toung	..	..	..	..	..	..	
Pegu.	Rangoon.	Moung Shwe Kyee, 2nd class Magistrate, Hline	143	2	1	..	..	..	
		Moung Htoon Oung, 2nd class Magistrate, Hmawbee	118	2	..	..	2	..	
		Moung Bah Gyaw, 2nd class Magistrate, Syriam	159	13	..	4	..	9	
		,, Shwe Zin, ditto ditto, Angyee	259	18	..	1	..	17	
		,, Wike, ditto ditto, Pegu	149	1	..	..	..	..	
	Thonkwa.	Moung Gyee, ,, Loo Gyee, 3rd class Magistrates, Thonkwa	96	5	1	..	..	4	
		Moung Kyah Yoh, 3rd class Magistrate, Phyapoon	144	9	1	..	..	8	
		Moung Shwe Myah, 3rd class Magistrate, Shwe-loung	121	..	..	..	..	..	
		Moung Pho Kaw, 2nd class Magistrate, Donabyoo	196	11	10	..	..	1	
		Mr. G. E. Godbier, 2nd class Magistrate, Maoo-bin	227	79	12	..	..	67	

Number of appeals from Subordinate Magistrates, &c.—(continued).

Division.	Name of district.	Name and designation of Magistrate from whose decision appeal was made.	Number of persons convicted by him.	Number of persons who appealed.	Number of persons in whose cases: Sentence was confirmed or appeal rejected.	Sentences were modified: Enhanced.	Sentences were modified: Reduced.	Sentence reversed or proceedings quashed.	Remarks.
Pegu.—(concluded).	Thonkwa—(concluded).	Moung Gyee, 2nd class Magistrate, Pantanaw	248	2	2	..	..	..	
		Mr. T. C. Mitchell, 2nd class Magistrate, Yandoon	407	7	5	..	..	1	
	Bassein.	Moung Kyah, 3rd class Magistrate, Ngapootaw	59	4	..	..	..	4	
		,, Byah, 3rd class Magistrate, Myoungmya	140	2	..	..	..	2	
		Moung Dun, 3rd class Magistrate, Theegwin	138	2	2	..	..	..	
		,, Pho Oo, ditto ditto, Yaigyee..	181	1	..	..	1	..	
		,, Shwe Dzin, 2nd class Magistrate, Thaboung	62	8	3	..	1	4	
		Moung An, 2nd class Magistrate, Kyoonpyaw	170	8	1	..	..	2	
		,, Shwe Goon, 2nd class Magistrate, Laymyethna	226	6	5	..	..	1	
		Moung Byah, 2nd class Magistrate, Bassein	53	1	..	..	..	..	
	Tharrawaddy.	Moung Phaw, 3rd class Magistrate, Monio..	157	..	..	..	..	..	
		,, Pho Han, ditto ditto, Tahpoon	206	..	..	..	..	..	
		,, Shwe Koo, ditto ditto, Tsanuay	263	1	1	..	..	..	
		,, Myit, ditto ditto, Mengyee	96	..	..	..	..	..	
		Mr. G. L. Weidemann .. / ,, E. S. Symes.. .. / ,, D. L. M. Mackay .. } Assistant Commissioners..	395	1	..	..	1	..	
	Henzada.	Moung Shwe Thee, 3rd class Magistrate ..	..	1	1	..	..	..	
		,, Min Gyaw, 2nd ,, ditto ..	124	7	4	..	2	1	
		,, Koo, 2nd ,, ditto ..	..	2	..	..	..	2	
		Mr. H. Adamson, 3rd class Magistrate, Henzada	422	2	1	..	..	1	
		Moung Bahwah, ditto ditto, Zaloon..	137	3	1	..	..	1	
		,, Phai, 2nd class Magistrate ..	276	3	..	..	..	3	
	Prome.	Moung Gouk, 3rd class Magistrate, Poungday	321	1	1	..	..	..	
		,, Tsaw Nan, 3rd class Magistrate, Mahathaman	168	3	1	..	..	2	
		Moung Oh, 2nd class Magistrate, Shwe-lay ..	79	4	3	..	..	1	
		,, Hmai ditto ditto, Shwe-doung	290	1	1	..	..	..	
		,, Htine, ditto ditto, Prome ..	333	3	1	..	..	2	
		Mr. P. C. H. Snow, 2nd class Magistrate, Poungday	149	3	2	..	1	..	
	Thayetmyo.	Moung Louk, 3rd class Magistrate, Kama..	253	1	1	..	..	..	
		Mr. H. Adamson, ditto ditto, Thayetmyo	26	5	5	..	..	..	
		,, P. C. H. Snow, ditto ditto, ditto,	48	1	1	..	..	..	
		Ditto, ditto ditto, Allanmyo	23	5	..	..	..	1	
		Moung Totto, 2nd class Magistrate, Kama ..	13	2	2	..	..	..	
		Ditto, ditto ditto, Thayetmyo	155	19	12	..	7	..	
		,, Tet Phyo, 2nd class Magistrate, Meaday	308	24	3	..	12	9	
		,, Tsouk, ditto ditto, Mindoon	76	22	6	..	1	14	
		Captain C. J. Cresswell, 1st class Magistrate, Allanmyo	30	2	..	..	..	1	
		Captain V. C. Fisher, Cantonment Magistrate, Thayetmyo	215	2	2	..	..	..	
		Captain C. J. Johnstone, Cantonment Magistrate, Thayetmyo	21	2	2*	..	..	..	* Rejected *re* Jurisdiction.
Tenasserim.	Amherst.	Moung Oon, 2nd class Magistrate, Beloogyoon	76	4	4	..	..	..	
		,, Pho, ditto ditto, Martaban	49	7	1	..	5	1	
		,, Tsoung, ditto ditto, Zaya ..	128	2	..	..	..	2	
		,, Khin, 3rd class ditto, Amherst..	31	5	..	..	5	..	
		,, Wet Galay, 2nd class Magistrate, Gyne Salween	92	22	22	..	..	..	
		Moung Tsan Yah, 3rd class Magistrate, Hpagat	13	5	4	..	1	..	
		,, Ah, 2nd ,, ditto, Kaukereit	61	2	..	..	1	1	

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Number of appeals from Subordinate Magistrates, &c.—(concluded).

Division.	Name of district.	Name and designation of Magistrate from whose decision appeal was made.	Number of persons convicted by him.	Number of persons who appealed.	Number of persons in whose cases				Remarks.
					Sentence was confirmed or appeal rejected.	Sentences were modified.		Sentence reversed or proceedings quashed.	
						Enhanced.	Reduced.		
Tenasserim—(concluded).	Shwe-gyeen.	Moung Shwe Go, 2nd class Magistrate, Thayethamine	108	1	..	..	1	..	
		Moung Tam, 2nd class Magistrate, Kyoukkyee	72	4	3	..	1	..	
		Moung Tha Nyo, 2nd class Magistrate, Beeling	80	18	3	..	1	14	
		Moung Hpo Oung, 3rd class Magistrate, Beeling							
		Moung Shwe Hmo, 3rd class Magistrate, Sittoung	100	4	3	..	1	..	
		Moung Myatmin, 2nd class Magistrate, Shwe-gyeen	140	20	10	1	4	5	
		Mr. A. M. B. Irwin, 3rd class Magistrate, Shwe-gyeen	37	3	..	..	2	1	
		Mr. C. D. S. Christopher, 3rd class Magistrate, Shwe-gyeen							
		Mr. J. E. Bridges, 2nd class Magistrate, Kyek-hto	133	13	7	..	2	4	
	Toungoo.	Moung Pho, 3rd class Magistrate, Thagara	3	..	..	..	..	..	
		,, Pan Nyo, ditto ditto, ditto.	45	..	..	..	..	..	
		,, Shwe Moung, 3rd class Magistrate, Kannee	11	2	1	..	..	1	
		Moung Tsan Wah, 3rd class Magistrate, Zayawaddy	84	1	1	..	..	..	
		Moung Dway, 3rd class Magistrate, Kyethoung-doung	3	1	..	..	1	..	
		Moung Shwe Att, 3rd class Magistrate, Myoma	88	4	4	..	..	..	
		Moung Shwe Myat, 2nd class Magistrate, Bombadee	29	5	1	..	2	2	
		Moung Pho, 2nd class Magistrate, Toungoo ..	147	18	8	..	7	2	
		Captain S. L. Hunt, 3rd class Magistrate, Cantonment, Toungoo	166	4	2	..	2	..	
		Mr. E. S. Symes, 2nd class Magistrate, Karen Hills	..	..	..	..	..	..	
		Mr. E. S. Symes, 2nd class Magistrate, Toungoo	36	..	..	..	..	..	
		Mr. A. M. B. Irwin, 2nd class Magistrate, Toungoo	102	2	2	..	..	..	
	Tavoy.	Moung Phaw, 2nd class Magistrate, Northern township	19	1	..	..	..	1	
		Moung Phet, 2nd class Magistrate, South-Eastern township	61	2	1	..	..	1	
		Moung Shwe Boo, 2nd class Magistrate, Western township	82	..	..	..	..	..	
		Moung Galay, 2nd class Magistrate, Central township	95	15	11	..	3	1	
	Mergui.	Moung Shwe Att, 2nd class Magistrate, Mergui	86	4	3	..	1	..	
		Moung Htoon Oung, 2nd class Magistrate, Tenasserim	14	..	..	..	..	..	
		Moung Myat Htoo, 3rd class Magistrate, Palaw	20	..	..	..	..	..	
		,, Shwe Poh, ditto ditto, Lenya	7	..	..	..	..	..	
		,, Tsain Yone, ditto ditto, Malewoon	13	..	..	..	..	..	
	Salween.	Moung Naw, 2nd class Magistrate, Pahpoon	24	..	..	..	..	..	
		Total ..	11,857*	571	245	6	91	217	
		In 1877 ..	9,281	389	208	8	53	100	

* Persons sentenced by Magistrates from whose sentence no appeals were preferred are not included in this. The total number of persons convicted by the Magistrates of the 2nd and 3rd classes is 12,248—(*see* Judicial statement 3).

Appeals from Sub-Magistrates.

10. The number of persons sentenced by Magistrates of the 2nd and 3rd class was 12,248, and the number who appealed was 571,—about 4·75 per cent. Last year the proportion was 3·70.

The proportion of appeals is low, and probably is owing in a great measure to the light sentences imposed by Burmese Magistrates.

It is not easy to compare the returns with those for the North-West Provinces; but, on a rough calculation, I find that in these provinces the proportion of persons who appealed to the Magistrate of the district and Sessions Judge in 1877, to the total number convicted by Magistrates, was about six per cent., and the proportion in British Burma was about 5·70. In Oudh, it was about four per cent.; and in the Punjab, nine per cent.

The returns are not drawn up precisely in the same way; but, so far as I can judge, the proportion of persons appealing to persons convicted is not abnormally low in these provinces. In the cases of 308 persons, the appeal from the decisions of Magistrates of the 2nd and 3rd class was more or less successful. This does not speak well for the Magistrates concerned, especially when the number of their judgments reversed or modified in revision by the Judicial Commissioner is also taken into account.

The work of the Courts of Session is shewn below :—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation by Judicial Commissioner	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with Assessors.	Number of cases in which Judge disagreed with Assessors.	Remarks.
Arakan.	Commissioner and Sessions Judge	39	9	29	4	31	1	..	24	5	
Pegu.	Commissioner and Sessions Judge	55	8	37	8	26	9	..	10	12	
Tenasserim.	Commissioner and Sessions Judge	61	18	31	5	53	1	1	19	10	1 died; committed suicide in the jail.
	Judge of Moulmein ..	35	15	20	4	11	1	..	21	4	
	Judicial Commissioner ..	124	59	62	11*	36·45	1	2	29	15	
	Total ..	314	109	179	32	31·49	13	3	103	46	1 ditto.
	In 1877 ..	244	53	172	31	38·	17	..	88	34	2 ditto.

* Three were referred, one released and nine confirmed by the Special Court, and one pending in the same Court.

Courts of Session.

11. Three hundred and fourteen persons were committed to the Sessions, and 300 disposed of, of whom 109 were acquitted and 179 convicted. The percentage of convictions to committals was only 59·66, which I cannot consider a satisfactory result. The Judicial Commissioner, in the exercise of his transferred jurisdiction, tried 123 persons,—more than one-third of the total committals. He convicted 62 and acquitted 59. In the previous year, he tried 79 persons; so that his work as a Sessions Judge shews a considerable increase in the year under review. Thirteen persons were waiting trial at the close of the year. In 103 cases the Judge agreed with the Assessors, and in 46 he differed from them. With regard to Assessors, Colonel Browne in his report remarks:—"The assistance given to the Court by Assessors in Sessions cases is generally of the most meagre description. * * * The only cases in which Assessors display any interest, and the only cases consequently in which they are of any use, are cases in which a capital sentence is likely to follow conviction. In such cases the Buddhist Assessors invariably constitute themselves into advocates for the accused, as, by so doing, their religion teaches them that they may possibly obtain the chance of having

a meritorious action, *i.e.*, the saving of life, placed to their credit." So far as these remarks apply to the conduct of Assessors in capital cases, and so far as I can judge from the short experience I have had, I agree with Colonel Browne. Twenty capital sentences were referred to the Judicial Commissioner for confirmation: 17 were confirmed,—one modified, and two remained pending.

The various punishments inflicted by Courts of Session were as follows:—

Division.	Designation of Judge.	PERSONS SENTENCED TO									AMOUNT OF FINE		
		Death.	Transportation.		Imprisonment				Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	Awarded as compensation.
					Rigorous.		*Simple.*							
			For life.	For term.	Over seven years.	Seven years and under.	Over seven years.	Seven years and under.						
												Rs.	Rs.	Rs.
Arakan ..	Commissioner and Sessions Judge ..	4	7	1	3	13	..	1	..	3	..	800	..	..
Pegu ..	Commissioner and Sessions Judge ..	8	11	11	4	2	..	1	..	4	..	3,500	..	..
Tenasserim.	Commissioner and Sessions Judge ..	5	18	1	..	3	..	3	..	4	..	3,230	3,030	1,500
	Sessions Judge, Moulmein ..	4	4	..	..	12	..	..	..	1	..	100	..	..
	Judicial Commissioner ..	11	13	18	2	18	..	..	..	2	..	400	..	..
	Total ..	32	53	31	9	48	..	5	..	14	..	8,030	3,030	1,500
	In 1877 ..	31	32	13	7	79	..	5	1	9	..	8,450	5,400	400

Punishments inflicted by Sessions Judges.

12. No person was punished with solitary confinement. More than one-third of the capital sentences were passed by the Judicial Commissioner.

The result of appeals from Magistrates to Courts of Session was as follows:—

Division.	Name of district.	Name of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Number of persons whose sentences were modified.		Number of persons whose sentences were reversed or proceedings quashed.
						Enhanced.	Reduced.	
Arakan.	Sando-Kyouk-Akyab way. Akyab town.	Mr. R. F. St. A. St. John, Deputy Commissioner ..	63	5	5	..	..	..
		Captain G. Alexander, Town Magistrate	25	3	3	..	..	..
		,, J. Butler ditto	18	4	1	..	..	..
		Mr. C. J. A. Duke, Deputy Commissioner	23	14	4	2	6	2
		Captain J. Butler, ditto	53	28	23	..	..	..
		Colonel C. P. Hildebrand, Deputy Commissioner ..	76	5	3	1	..	..
Pegu.	Rangoon.	Major H. R. Spearman, Deputy Commissioner	8	7	6	..	..	1
		Mr. W. deCourcy Ireland, ditto ..	2	2	..	..	1	1
		,, R. Phayre, Assistant Commissioner, Syriam ..	37	28	12	..	4	6
		Lieut. B. A. N. Parrott, ditto, ditto.. ..	2	2	2	..	..	..
		,, F. D. Raikes, ditto, Pegu.. ..	41	26	5	..	16	2
	Thonkwa.	Major G. E. Fryer, Deputy Commissioner	2	2	2	..	..	..

Division.	Name of district.	Name of Magistrate from whose decision appeal was preferred.	Number of persons convicted by him in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected	Number of persons whose sentences were modified.		Number of persons whose sentences were reversed or proceedings quashed.
						Enhanced.	Reduced.	
Pegu.	Bassein.	Mr. G. D. Burgess, Deputy Commissioner	14	12	10	..	..	..
		,, E. Richardson, Assistant Commissioner, Bassein ..	10	9	3	..	..	6
		,, A. R Birks, ditto, ditto ..	73	42	26	1	6	8
		,, A. L. Hough, Extra Asst. Commr., Ngathain-gyoung ..	36	35	18	..	10	2
	Mergui.	Colonel W. Munro, Deputy Commissioner ..	18	13	10	..	3	..
	Henzada.	Mr. J. K. Macrae, Deputy Commissioner	61	12	11	..	..	1
		,, G. L. Weidemann, Officiating ditto	70	9	7	..	..	1
		Major C. O'L. L. Prendergast, Asst. Commissioner, Henzada..	71	13	12	..	..	1
		Mr. E. Richardson, Senior Extra Asst. Commr., Myanoung ..	88	5	4	..	..	1
	Tharrawaddy.	Mr. C. J. F. S. Forbes, Deputy Commissioner	90	3	2	1	..	..
		,, J. Butler, Assistant Commissioner, Tharrawaddy ..	89	7	5	..	1	1
		Mr. G. L. Weidemann, ditto, ditto ..	98	17	16	..	..	1
		,, E. S. Symes, ditto, ditto ..	22	..	..	..	..	..
	Prome.	Lieut.-Colonel A. R. McMahon, Deputy Commissioner ..	11	3	3	..	..	..
		Major W. C. Plant, ditto ..	56	13	10	..	..	3
		Mr. A. O. Brown, Officiating ditto ..	20	3	3	..	..	..
		,, K. G. Burne, Assistant Commissioner, Prome ..	70	32	18	..	7	7
		,, W. G. Jackson, ditto, ditto ..	41	11	9	1	..	1
		,, W. F. H. Grey, ditto, Poungday ..	17	8	4	..	2	2
		,, G. L. Weidemann, ditto, ditto ..	10	2	1	..	1	..
		,, P. C. H. Snow, ditto, ditto ..	71	7	6	..	..	1
		,, F. S. Copleston, ditto, Padoung ..	28	2	2	..	..	..
		,, K. G. Burne, ditto, ditto ..	54	3	3	..	..	..
	Thayet.	Major W. C. Plant, Deputy Commissioner	11	5	5	..	..	..
		Colonel H. N. Davies, ditto	25	7	2	..	..	..
		Major C. O'L. L. Prendergast, Asst. Commr., Thayetmyo ..	7	3	3	..	1	4
		Ditto, Cantonment Magistrate, Thayetmyo	2	1	1	..	..	..
		Mr. G. D. Burgess, Assistant Commissioner, Allanmyo ..	3	1	1	..	..	..
		,, P. C. H. Snow, ditto, ditto ..	..	1	1	..	..	..
		Captain C. A. Cresswell, ditto, ditto ..	82	35	20	..	..	..
Tenasserim.	Amherst.	Lieut-Colonel A. G. Duff, Deputy Commissioner ..	45	13	13	..	1	14
		Mr. W. deCourcy Ireland, ditto ..	10	2	2	..	..	..
		,, J. K. Macrae, ditto ..	11	3	1	..	..	..
		,, J. C. Davis, Assistant Commissioner, Thatone ..	..	2	2	..	..	2
		,, F. S. Copleston, ditto, ditto ..	153	6	4	..	..	..
		,, F. W. Fox, ditto, Moulmein ..	..	5	5	..	..	1
		Lieut. B. A. N. Parrott, ditto, ditto ..	189	5	5	..	..	..
	Shwegyeen.	Mr. A. Hough, Deputy Commissioner	205	2	2	..	..	..
		,, C. J. F. S. Forbes, ditto		8	7	..	..	1
		,, A. O. Brown, ditto		12	10	..	1	..
		Major C. H. A. Gower, ditto		7	5	..	..	1
	Toungoo.	,, A. G. Strover, Deputy Commissioner	276	64	40	..	18	1
	Tavoy.	Colonel E. J. Spilsbury, Deputy Commissioner	41	4	4	..	..	..
	Mergui.	,, W. Munro, Deputy Commissioner	102	16	8	..	..	..
	Salween.	Mr. A. H. Hildebrand, Assistant Commissioner	83	6	6	..	..	..
		Lieut. B. A. N. Parrott, ditto						
	Moulmein Town.	Major M. Furlong, Magistrate of Moulmein	65	4	2	1	..	1
		Total ..	2,723	594	393	7	78	73
		In 1877 ..	3,842	521	378	2	45	61

Appeals from Magistrates to Sessions.

13. Five hundred and ninety-four persons appealed from the sentences of Magistrates, to the Court of Sessions; and of these, 151, or 29 per cent. succeeded in getting the sentence reversed or modified.

The work of appellate Courts is shewn in the subjoined table :—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry.	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.	
Tenasserim.	Lieutenant-Colonel E. B. Sladen, Commissioner.	19	10	..	32	..	..	..
	Major W. C. Plant, Commissioner	2	2	..	40	..	..	..
	Mr. G. J. S. Hodgkinson, do.	5	2	1	12	2	..	..
	Major H. R. Spearman, Depy. Commr., Rangoon	10	10	..	8	..	..	..
	Mr. W. deCourcy Ireland, do., do.	4	1	1	1	2	..	..
	Colonel H. N. Davies, do., Bassein	3	3	..	18	..	..	..
	Mr G D. Burgess, do., do.	21	20	..	7	1	..	..
	Major G. E. Fryer, do., Thonkwa	35	34	..	7	1	..	..
	Mr. J. K. Macrae, do., Henzada	15	14	1	12	..	..	..
	,, G. L. Weidemann, do., do.							
	,, C. J. F. S. Forbes, do., Tharrawaddy	2	2	..	5.11	..	..	..
	Lieut.-Colonel McMahon, Major W. C Plant, Mr. A. O. Brown, Depy. Commr., Prome.	13	13	..	14	..	..	..
	Major W. C. Plant, Deputy Commissioner Thayetmyo	16	16	..	4	..	..	..
	Colonel H. N. Davies, Deputy Commissioner, Thayetmyo	40	38	..	10	..	..	..
	Colonel H. A Browne, Sessions Judge	159	158	..	7	1	..	..
	Mr. J. D. Sandford, Judicial Commissioner	12	12	..	20	..	..	..
	Mr .John Jardine, Judicial Commissioner as Sessions Judge	113	113	..	22	..	..	..
	Mr. R. J. Crosthwaite Officiating Judicial Commissioner	18	1	..	21	13	5	4 cases transferred to Commr. of Pegu.
	Lieutenant-Colonel A. G. Duff, Deputy Commissioner, Amherst	7	7	..	9	..	..	..
	Mr. W. deCourcy Ireland, Deputy Commissioner, Amherst	1	1	..	2	..	..	..
	Mr. J. K. Macrae, Deputy Commissioner, Amherst	4	4	..	6	..	..	..
	Mr. A. Hough, ,, C. J. F. S. Forbes, ,, A. O. Brown, Major C. H. A. Gower, Deputy Commissioners, Shwe-gyeen.	33	33	..	9	..	..	..
	,, A. G. Strover, Depy. Commr., Toungoo	25	2	..	6	1	..	..
	Colonel E. J. Spilsbury, do., Tavoy	18	18	..	6	..	..	..
	,, W. Munro, do., Mergui	2	2	..	7	..	..	..
	Mr. J. C. Davis, Assistant Commissioner, Salween	..	..	..	..	..	..	..
	Colonel R. D. Ardagh, Commissioner and Sessions Judge	82	77	..	13	..	..	..
	Lieutenant-Colonel A. G. Duff, Commissioner and Sessions Judge	36	31	..	13	3	..	* 13 transferred to Judicial Commr. 5 rejected.
	Mr. D. G. Macleod, Sessions Judge, Moulmein	9	9	..	9·50	..	..	..
	Total	†704	664	3	11.5	24	5	5.
	In 1877	609	652	8	10.7	18	..	11

* This statement shews the number of appeals, not appellants; so the figure in this statement cannot correspond with the foregoing statement of appeals, nor with Judicial statement 5.

† Five rejected, as the appeals lay to the Judicial Commissioner.

14. Six hundred and sixty-four appeals were decided, in the year under review, of which 216 were heard by the Judicial Commissioner. Colonel Browne, the Commissioner of Pegu, disposed of the largest number (158 appeals). The average duration was 11·5 days, and the number of cases pending at the close of the year, 24.

Work of Appellate Court.

The financial result of the rules regulating the fees chargeable for the service of processes in the remuneration of peons is shewn in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees	Charges, including salaries of process-servers, contingencies, &c
			Rs. A. P.	Rs. A. P.
Arakan.	Akyab	2,155	1,620 0 0	588 0 0
	Akyab town	741	565 0 0	608 0 0
	Kyouk-hpyoo	1,378	927 0 0	608 8 0
	Sandoway	585	377 0 0	264 0 0
	Northern Arakan	..	..	..
Pegu.	Rangoon	1,989	1,480 0 0	1,662 8 0
	Thonkwa	1,407	984 0 0	880 0 0
	Bassein	2,343	1,600 8 0	1,233 0 0
	Henzada	1,572	1,151 0 0	588 0 0
	Tharrawaddy	792	568 0 0	231 13 6
	Prome	2,060	2,090 0 0	1,128 0 0
	Thayetmyo	982	662 8 0	264 0 0
Tenasserim.	Amherst	1,557	1,144 0 0	276 0 0
	Shwe-gyeen	1,247	826 0 0	739 8 0
	Toungoo	2,204	1,426 8 0	672 0 0
	Tavoy	588	429 0 0	312 0 0
	Mergui	510	384 8 0	133 4 0
	Salween	21	18 0 0	78 8 0
	Moulmein	2,088	1,562 0 0	1,559 11 6
	Total ..	25,149	17,810 0 0	11,326 13 0
	In 1877 ..	23,339	15,846 0 0	12,182 7 0

15. The charge on account of the service of processes has been reduced in the year under review to Rs. 11,326-13-0, and the receipts increased by upwards of Rs. 1,000, resulting in a balance of Rs. 6,483.

Service of processes.

In the subjoined table is shewn the work of the Court of the Judicial Commissioner as a Court of Appeal :—

Division.	Designation of tribunal and name of Deputy Commissioner or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.	Pending.
	Deputy Commissioner, Akyab	..	..	..	..	..	..	..
	Mr. C. J. A. Duke, Deputy Commissioner, Kyouk-hpyoo	4	..	..	..	4	..	..
	Deputy Commissioner, Sandoway	..	..	..	..	..	..	..
	Lieut.-Colonel E. B. Sladen, Commissioner and Sessions Judge	17	10	6	..	..	1	..
	Major W. C. Plant, Commissioner and Sessions Judge ..	1	..	..	..	..	..	1
	,, H. R. Spearman, Deputy Commissioner, Rangoon	6	4	1	..	..	1	..
	Mr. W. deCourcy Ireland, ditto, ditto..	5	..	2	..	..	..	3
	Major G. E. Fryer, ditto, Thonkwa	5	1	3	..	1	..	..
	Colonel H. Nelson Davies, ditto, Bassein	2	1	1	..	..	..	..

Division.	Designation of tribunal and name of Deputy Commissioner or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.	Pending.
	Mr. G. D. Burgess, Deputy Commissioner, Bassein	34	23	9	..	..	2	..
	,, J. K. Macrae ditto, Henzada	7	3	1	..	..	3	..
	,, G. L. Weidemann ditto, ditto	3	..	1	..	..	..	2
	,, C. J. F. S. Forbes ditto, Tharrawaddy	4	..	4	..	..	..	..
	Lieut.-Colonel A. R. McMahon, ditto, Prome	4	1	..	..	..	3	..
	Major W. C. Plant ditto, ditto	11	9	2	..	..	..	..
	Mr. A. O. Brown ditto, ditto	2	..	..	..	..	..	2
	Colonel H. N. Davies ditto, Thayetmyo	2	..	1	..	..	1	..
	,, H. A. Browne, Commissioner and Sessions Judge	20	13	5	..	..	1	1
	Lieut.-Colonel A. G. Duff, Deputy Commissioner, Amherst	17	5	11	..	1	..	..
	Mr W. deCourcy, Ireland, Deputy Commissioner, Amherst	2	..	..	..	..	..	2
	Mr. A. Hough, Deputy Commissioner, Shwe-gyeen..	6	..	4	..	..	2	..
	,, C. J. F. S. Forbes, ditto, ditto ..	3	..	..	..	..	3	..
	,, A. O. Brown, ditto, ditto ..	4	1	2	1	..	..	..
	Major H. A. Gower, ditto, ditto ..	1	1	..	..	..	..	..
	Mr. H. Buckle, Deputy Commissioner, Toungoo ..	6	..	2	..	2	2	..
	Major G A Strover, ditto, ditto ..	28	15	6	..	3	3	1
	Colonel W. Munro, Deputy Commissioner, Mergui ..	1	..	1	..	..	..	..
	Mr. A. H. Hildebrand, Assistant Commissioner, Salween	3	..	3	..	..	..	..
	Lieut. B. A. N. Parrott, ditto, ditto..	4	2	2	..	..	..	..
	Colonel R. D. Ardagh, Commissioner and Sessions Judge	9*	2	1	..	..	4	1
	Lieut.-Colonel A. G. Duff, Commissioner and Sessions Judge	7	4	..	..	1	..	2
	Mr. D. G. Macleod, Sessions Judge, Moulmein ..	8	7	..	..	..	..	1
	Total ..	226	102	68	1	12	26	16
	In 1877 ..	166	10	104	4	14	18	16

* One died of cholera.

Judicial Commissioner's Court of Appeal.

16. Two hundred and twenty-six persons appealed to the Judicial Commissioner, and the cases of 209 were disposed of. In one case the sentence was enhanced, and in 38 reduced or reversed. The proportion of orders modified or reversed to total number of appeals disposed of was 19 per cent.

The work of the Judicial Commissioner's Court as a Court of Revision is shewn in the next table :—

Division.	Name of district.	Designation of tribunal and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.		
Arakan.	Akyab.	Moung Myat Tha Doon, Extra Assistant Commissioner, Koladan	7	..	..	..	7	..	
		Moung Tsok Hmo, Extra Assistant Commissioner, Ooreetoung East	19	..	..	..	19	..	
		Moung Myat Tha Doon, Extra Assistant Commissioner, Meugbya	5	1	..	..	3	1	

Division.	Name of district.	Designation of tribunal and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence					Remarks.
				Confirmed.	Modified.		Reversed.	Pending.	
					Enhanced.	Reduced.			
Arakan.	Akyab.	Moung Tsan Hla Baw, Extra Assistant Commissioner, Myohoung	10	10	..	..	..	..	
		Moung Pha Phroo, Extra Assistant Commissioner, Ooreetoung West	9	3	..	6	..	..	
		Mr. D. L. M. Mackay, Assistant Commissioner, Akyab	1	1	..	..	..	..	
		Mr. R. F. St. A. St. John, Deputy Commissioner, Akyab	3	2	..	..	1	..	
		Captain G. Alexander, Town Magistrate, Akyab	5	5	..	..	..	..	
		Major W. C. Plant, Commissioner, Arakan ..	2	2	..	..	..	..	
	Kyouk-hpyoo.	Moung Htoon Aye, Extra Assistant Commissioner, Myaboung	1	1	..	..	..	..	
		Moung Tsan Oo, Extra Assistant Commissioner, Cheduba	1	..	..	1	..	..	
		Moung Hla Htoon Oung, Extra Assistant Commissioner, Ramree	8	7	..	..	..	1	
		Moung Hla Htoon Oung, Extra Assistant Commissioner, Kyouk-hpyoo	2	..	..	..	..	2	
		Captain J. Butler, Deputy Commissioner, Kyouk-hpyoo	8	3	..	1	4	..	
		Captain G. Alexander, Deputy Commissioner, Kyouk-hpyoo	24	23	..	..	1	..	
	Sandoway.	Moung Oung Htoon, Extra Assistant Commissioner, Tounghoop	1	1	..	..	..	..	
		Moung Shwe Boo, Extra Assistant Commissioner, Sandoway Central township ..	11	6	1	3	1	..	
	Northern Arakan.	Major W. G. Hughes, Superintendent of Hill Tracts	1	1	..	..	..	..	
Pegu.	Rangoon.	Moung Shwe Kyee, Extra Assistant Commissioner, Hline	1	1	..	..	..	..	
		Moung Shwe Yin, Extra Assistant Commissioner, Angyee	3	3	..	..	..	..	
		Moung Toke Kyee, Extra Assistant Commissioner, Hpoungleng	9	9	..	..	..	..	
		Moung Wike, Extra Assistant Commissioner, Pegu	3	..	..	..	3	..	
		Mr. R. McLeod, Extra Assistant Commissioner, Hmawbee	7	2	..	..	3	2	
		Lieut. F. D. Raikes, Assistant Commissioner, Pegu	17	4	..	6	7	..	
		Lieut. B. A. N. Parrott, Assistant Commissioner, Syriam..	1	1	..	..	..	..	
		Mr. R. Phayre, Assistant Commissioner, Syriam..	11	3	..	..	8	..	
		Major H. R. Spearman, Deputy Commissioner, Rangoon	6	6	..	..	..	..	
	Thonkwa.	Moung Gyee, Extra Assistant Commissioner, Thonkwa	1	1	..	..	..	..	
		Moung Kya Yoh, Extra Assistant Commissioner, Hpyapoon	1	1	..	..	..	..	
		Mr. G. E. Godbier, Extra Assistant Commissioner, Ma-oo-bin	6	4	..	..	2	..	
		Major G. E. Fryer, Deputy Commissioner, Thonkwa	24	13	..	3	8	..	
	Bassein.	Moung Shwe Dway, Extra Assistant Commissioner, Theegwin	5	4	..	..	1	..	
		Moung Byah, Extra Assistant Commissioner, Ngapootaw	1	..	..	..	1	..	
		Moung Shwe Goon, Extra Assistant Commissioner, Laymyethna	2	2	..	..	..	..	
		Moung Po Oo, Extra Assistant Commissioner, Yeagyee	1	1	..	..	..	..	

Division.	Name of district.	Designation of tribunal and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	Modified.		Reversed.		
					Enhanced.	Reduced.			
Pegu—(continued).	Bassein—(concld).	Moung Shwe Dzeng, Extra Assistant Commissioner, Thaboung	1	1	..	..	..	..	
		Mr. A. L. Hough, Extra Assistant Commissioner, Ngathain-gyoung	3	3	..	..	..	..	
		Mr. A. R. Birks, Assistant Commissioner, Bassein	10	3	..	1	6	..	
		Mr. G. D. Burgess, Deputy Commissioner, Bassein	7	1	..	1	..	5	
	Henzada.	Moung Bah Too, Extra Assistant Commissioner, Kyangeen	1	1	..	..	..	..	
		Moung Htoon Oung, Extra Assistant Commissioner, Kanoung	5	1	..	..	4	..	
		Moung Shwe Yeen, Extra Assistant Commissioner, Henzada	1	1	..	..	..	..	
		Mr. A. R. Birks, Assistant Commissioner, Myanoung	16	6	..	..	10	..	
		Major C. O' L. L. Prendergast, Assistant Commissioner, Henzada	3	3	..	..	..	..	
		Mr. J. K. Macrae, Deputy Commissioner, Henzada	1	..	..	..	1	..	
		Mr. G. L. Weidemann, Deputy Commissioner, Henzada	2	1	..	..	1	..	
	Tharrawaddy.	Moung Hpo, Extra Assistant Commissioner, Tahpoon	4	..	..	..	4	..	
		Moung Hpo Haw, Extra Assistant Commissioner, Tahpoon	9	..	..	..	9	..	
		Moung Goon, Extra Assistant Commissioner, Tsanuay	1	..	..	..	1	..	
		Moung Koo, Extra Assistant Commissioner, Tsanuay	12	4	..	..	..	8	
		Moung Oung Gyee, Extra Assistant Commissioner, Monio	1	1	..	..	..	..	
		Moung Phaw, Extra Assistant Commissioner, Monio	5	..	..	..	..	5	
		Moung Hnit, Extra Assistant Commissioner, Mengyee	5	1	..	..	4	..	
		Moung Phan, Extra Assistant Commissioner, Okpho	1	..	..	1	..	..	
		Mr. A. O. Brown, Assistant Commissioner, Tharrawaddy	1	1	..	..	..	..	
		Mr. G. L. Weidemann, Assistant Commissioner, Tharrawaddy	3	3	..	..	..	..	
	Prome.	Moung Hmay, Extra Assistant Commissioner, Shwe-doung	3	..	..	..	3	..	
		Moung Tsaw Huan, Extra Assistant Commissioner, Mahathaman	1	..	..	..	1	..	
		Moung Shwe Hlin, Extra Assistant Commissioner, Prome	21	21	..	..	..	..	
		Moung Tah Doot, Extra Assistant Commissioner, Prome	5	..	..	2	3	..	
		Mr. K. G. Burne, Assistant Commissioner, Poungday	2	..	..	..	2	..	
		Mr. P. C. H. Snow, Assistant Commissioner, Poungday	10	5	..	..	5	..	
		Mr. K. G. Burne, Assistant Commissioner, Prome	12	2	..	10	..	..	
		Mr. W. G. Jackson, Assistant Commissioner, Prome	1	1	..	..	..	..	
		Mr. F. S. Copleston, Assistant Commissioner, Padoung	5	5	..	..	..	..	
		Mr. K. G. Burne, Assistant Commissioner, Padoung	2	1	..	..	..	1	
		Lieut.-Colonel A. R. McMahon, Deputy Commissioner, Prome	4	4	..	..	..	..	
		Major W. C. Plant, Deputy Commissioner, Promo	1	..	..	..	1	..	

Division.	Name of district.	Designation of tribunal and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.		
Pegu.—(concluded).	Thayetmyo.	Moung Tsouk, Extra Assistant Commissioner, Kama	3	3	..	..	..	..	
		Moung Shwe Loke, Extra Assistant Commissioner, Kama	2	2	..	..	..	..	
		Moung Tsouk, Extra Assistant Commissioner, Meaday	2	1	..	..	..	1	
		Moung Tet Phyo, Extra Assistant Commissioner, Meaday	4	2	..	2	..	..	
		Moung Tet Toe, Extra Assistant Commissioner, Thayetmyo	9	3	..	1	5	..	
		Moung Tsouk, Extra Assistant Commissioner, Mongdoon	1	1	..	..	..	..	
		Captain C. A. Cresswell, Assistant Commissioner, Allanmyo	10	1	..	..	4	5	
		Mr. P. C. H. Snow, Assistant Commissioner, Thayetmyo	3	3	..	..	..	..	
		Mr. H. Adamson, Assistant Commissioner, Thayetmyo	1	1	..	..	..	..	
		Captain V. C. Fisher, Cantonment Magistrate, Thayetmyo	5	..	..	5	..	..	
		Colonel H. N. Davies, Deputy Commissioner, Thayetmyo	4	4	..	..	..	..	
Tenasserim.	Amherst.	Moung Ohn, Extra Assistant Commissioner, Beeloogyoon	2	2	..	..	..	..	
		Moung Tsoung, Extra Assistant Commissioner, Zeah	3	..	..	..	3	..	
		Moung Wet Galay, Extra Assistant Commissioner, Gyne Salween	1	1	..	..	..	..	
		Moung Tsan Yah, Extra Assistant Commissioner, Hpagat	2	2	..	..	..	..	
		Moung Oh, Extra Assistant Commissioner, Kawkareit	1	..	1	..	..	..	
		M. F. W. Fox, Assistant Commissioner, Moulmein	4	..	..	2	2	..	
		Colonel A. G. Duff, Deputy Commissioner, Amherst	6	2	..	..	4	..	
		Colonel R. D. Ardagh, Commissioner, Tenasserim	1	1	..	..	..	..	
		Colonel A. G. Duff, Commissioner, Tenasserim	2	2	..	..	..	..	
	Shwe-gyeen.	Moung Tha Ngo, Extra Assistant Commissioner, Beeling	1	1	..	..	..	..	
		Mr. A. Hough, Deputy Commissioner, Shwegyeen	5	5	..	..	..	..	
		Mr. C. J. F. S. Forbes, Deputy Commissioner, Shwe-gyeen	10	6	..	4	..	..	
		Major C. H. A. Gower, Deputy Commissioner, Shwe-gyeen	2	2	..	..	..	..	
	Toungoo.	Moung Shwe Myat, Extra Assistant Commissioner, Bombadee	3	3	..	..	..	..	
		Moung Shwe Att, Extra Assistant Commissioner, Myoma	33	..	..	..	33	..	
		Moung Tsan Wah, Extra Assistant Commissioner, Zayawaddy	7	1	..	6	..	..	
		Moung Htine, Extra Assistant Commissioner, Toungoo	2	2	..	..	..	..	
		Mr. H. Buckle, Deputy Commissioner, Toungoo	1	1	..	..	..	..	
		Major G. A. Strover, Deputy Commissioner, Toungoo.	5	3	..	1	1	..	
	Tavoy.	Moung Shwe Boo, Extra Assistant Commissioner, Tavoy West	2	..	..	..	..	2	
		Moung Galay, Extra Assistant Commissioner, Tavoy	7	..	..	4	..	3	
		Colonel E. J. Spilsbury, Deputy Commissioner, Tavoy	5	1	..	..	3	1	

Division.	Name of district.	Designation of tribunal and name of Magistrate or Sessions Judge.	Number of persons whose cases were called for.	Sentence					Remarks.
				Confirmed.	Modified.		Reversed.	Pending.	
					Enhanced.	Reduced.			
Tenasserim—(concluded).	Mergui.	Moung Shwe Baw, Extra Assistant Commissioner, Malewoon	2	1	..	..	1	..	
		Moung Htoon Oung, Extra Assistant Commissioner, Tenasserim	1	..	..	..	1	..	
		Moung Shwe Att, Extra Assistant Commissioner, Mergui	1	1	..	..	..	..	
		Colonel W. Munro, Deputy Commissioner, Mergui..	1	..	..	1	..	..	
	Town of Moulmein.	Major W. Furlong, Town Magistrate ..	5	2	..	..	3	..	
		Mr. D. G. Macleod, Judge of Moulmein ..	3	3	..	..	..	..	
		Total ..	538	254	2	61	184	37	
		In 1877 ..	615	378	13	29	144	42	9 new trials ordered.

17. The cases of 538 persons came before the Judicial Commissioner by way of revision; and in the case of 247 persons, the sentence or judgment of the lower Court was interfered with. There was a decrease of 77 cases, as compared with 1877, in the total number which came before the Court; and the percentage of orders modified or reversed rose from 24 to 50 per cent.

Court of Revision.

The subjoined table shews the work of the Court of the Judicial Commissioner as a Court of Reference for the confirmation of capital sentences :—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan ..	Lieut.-Colonel E. B. Sladen, Commissioner and Sessions Judge	3	2	1	..	..
	Major W. C. Plant, Commissioner and Sessions Judge ..	1	..	..	..	1
Pegu ..	Colonel H. A. Browne, Commissioner and Sessions Judge	7	7	..	..	..
Tenasserim ..	Colonel R. D. Ardagh, Commissioner and Sessions Judge	2	2	..	..	..
	Lieut.-Colonel A. G. Duff, ditto ditto ..	3	2	..	..	1
	Mr. D. G. Macleod, Sessions Judge, Moulmein ..	4	4	..	..	..
	Total ..	20	17	1	..	2
	In 1877 ..	27	12	4	1	..

18. Mr. Sandford held the office of Judicial Commissioner from the commencement of the year to the 22nd February, Mr. Jardine from the 22nd February to the 30th November, and I officiated from the 1st December to the end of the year.

R. J. CROSTHWAITE,
Offg. Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.—Judicial.

1.—Shewing the various Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1878.

Class of tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualifications of Judges previous to appointment.	Total number of Judges. European. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	Average annual salary of each paid Judge. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
												Rs.	Rs.	Rs. A.								
Small Cause Courts confined to proper functions. Second Judge. Paid.	1	...	...	1	1 Judge	Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes.	...	...	...	...	1	...	6,000	9,111 8	8,737	...	216	33	Reg. Misc.	1,746 1,846	..	...
						Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof.																
Small Cause Courts confined to proper functions. First Judge. Paid.	1	...	...	1	Ditto	Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein.	...	...	...	1	..	10,800	...	17,583 0	30,988 8	..	213	16	Reg. Misc.	3,261 2,290	...	...
						Powers of a District Judge																
						Powers of a District Judge under the Indian Divorce Act throughout British Burma.																
						Powers of a High Court in respect of the Court of Small Causes, Rangoon.																

| | | |

B.—JUDICIAL.

2.—(Criminal.)—Statement of Offences reported and of Persons tried, convicted, and acquitted for each offence in the Province of British Burma, inclusive of the Town of Rangoon, for the year 1878.

DESCRIPTION OF OFFENCE.	Section of code applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS I.								
Offences relating to coin, stamps, weights and measures.								
Counterfeiting coin	231, 238	1	1	...	...	...	...	1 committed.
Passing or possessing bad or altered coin	240, 242	2	3	1	1	...	...	do.
Counterfeiting stamps or selling same	262, 263	2	3	2	1	...	...	
Making, using, or possessing false weights or measures	264 to 267	4	7	4	3	...	...	
Against public justice.								
Omitting to give information of offence, or giving false information	176, 177, 181, 182, 202, 203	4	4	...	4	...	...	
Causing disappearance of evidence	201	1	1	...	...	...	...	do.
Resisting, obstructing, to assist public servant	183 to 187	6	9	8	1	...	...	
Disobedience of lawful order, causing injury	188	3	3	3	...	...	...	
Intentional insult or interruption in judicial proceedings	228	1	1	...	1	...	...	
Taking gift to screen offender	213 to 215	1	10	10	...	...	...	
Resistance to lawful apprehension and rescue	225	2	2	1	1	...	...	
Escape from lawful custody or transportation	224	9	21	1	20	...	...	
Absconding from, avoiding, or disobeying summons or notice or order to attend or produce, or refusing to answer or sign	172 to 175	1	1	...	1	...	...	
Abetting the corruption of the police	161, 109, 162, 116	1	1	...	1	...	...	
By public servants.								
Taking valuable things by or to influence public servants	161 to 165	1	1	...	1	...	...	
Breach of Police Act by Police Officers, Act V. of 1861	Ditto	13	14	1	13	...	...	
False evidence, false complaints, or claims and forgery	211	5	7	4	2	1	...	
Giving false evidence	193 to 196	3	3	1	2	...	...	
False personation in judicial proceeding	205 to 209	1	2	2	...	...	...	
Frivolous or vexatious complaint	C. P. 209	9	9	1	8	...	...	
Forgery or fraudulently using or possessing forged document	465 to 460, 471, 473 and 477	2	8	8	...	...	...	
Public nuisances.								
Public nuisances under Penal Code	269 to 294	7	21	4	17	...	...	
Nuisances under Police or Municipal and Local Acts	Act V. of 1861	685	1,572	131	1,441	...	...	
Relating to the public peace.								
Rioting or unlawful assembly	143 to 153, 157, 158	3	15	3	12	...	...	
Affray	160	27	100	13	87	...	...	
Offences relating to religion	295 to 298	1	1	...	1	...	...	
Total, Class I.	.....	795	1,820	198	1,618	1	...	3
CLASS II.								
Offences against the person.								
Murder	302, 303	7	6	...	...	1	...	5 committed.
Attempt to murder	307	7	7	...	...	...	...	7 do.
Culpable homicide	304 to 308	2	2	...	...	...	...	2 do.
Causing death by rash act	304A.	1	1	...	1	...	...	
Attempt to commit suicide	309	6	4	1	3	...	...	
Causing miscarriage	316	1	1	...	...	...	...	1 do.
Grievous hurt	325, 326	19	16	13	8	...	...	15 do.
Hurt	323 to 334	77	97	24	72	1	...	
Hurt by dangerous weapons	324	30	25	9	15	...	...	1 do.
Administering stupifying drugs	328	1	...	...	...	...	3	
Act dangerous to life or safety	336 to 338	21	38	13	22	...	...	
Wrongful restraint	341 to 346	4	6	4	2	...	7	
Assault or use of criminal force	352, 355, 358	464	692	481	194	...	1	
Criminal intimidation or insult	504 to 509	86	100	76	23	...	...	
Causing annoyance in a public place	510	2	2	...	2	...	...	
Assault in order to commit theft	356	2	2	...	2	...	...	
Kidnapping or abduction	363 to 365, 367 to 369	10	15	5	...	...	...	10 do.
Enticing a married woman with criminal intent	498	23	23	21	2	...	...	
Adultery	497	14	14	8	...	...	...	6 do.
Rape	376	3	2	1	...	...	...	1 do.
Defamation	500 to 502	7	8	6	2	...	...	
Total, Class II.	.....	787	1,071	602	348	2	11	48

B.—JUDICIAL.

2.—*(Criminal.)—Statement of Offences reported, &c.*—(concluded).

DESCRIPTION OF OFFENCE.	Section of code applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS III.								
OFFENCES AGAINST PROPERTY.								
With violence.								
Dacoity	395, 397, 398	3	...	...	...	...	...	
Robbery with hurt or deadly weapon	394	3	1	...	...	...	.	1 committed.
Robbery	392, 393	4	3	...	1	...	...	2 do.
Extortion	384 to 389	4	11	7	2	..	.	2 do.
House-breaking or house-trespass in order to commit theft.	451, 454, 457	37	40	5	23	.	..	12 do.
House-breaking or lurking	452, 455, 456	12	14	4	9	...	.	1 do.
Without violence..								
Theft, ordinary	379, 380, 381	625	480	101	370	...	1	14 do.
Dishonestly receiving stolen property	411 to 414	70	98	18	70	...	...	10 do.
Dishonest misappropriation of property	403, 404	17	22	12	10	...	...	
Criminal breach of trust	406 to 409	43	48	20	23	1	.	4 do.
Cheating	417 to 420	19	21	14	5	...	.	2 do.
Malicious offences.								
Mischief, ordinary	426, 427, 430 to 433.	27	40	16	24	...	..	
Serious mischief by fire	436	1	2	...	.	...	..	2 do.
Criminal trespass or house-trespass	447, 448	31	55	26	20	...	..	
Total, Class III.	.....	896	841	223	566	1	1	50
CLASS IV.								
OFFENCES NOT INCLUDED IN ABOVE CLASSES.								
Vagrancy without ostensible means of livelihood	C. P. C. 504, 505	54	65	20	45	...	..	
Criminal breaches of contracts of service	490, 492	1	2	...	2	..	...	
Rash or negligent driving	279	2	2	...	2	..	...	
Negligent conduct with respect to fire	285	5	5	1	4	...	..	
Assault on Police Officers	353	2	6	...	6	...	..	
Keeping a lottery office	294, A,	3	8	2	2	1	..	3 do.
Bound down to keep the peace	C. P. C. 491, 492	27	47	11	36	...	.	
Maintenance	„ 536	27	27	15	12	...	...	
Failing to furnish security	„ 397	1	1	...	1	..	...	
Adulterating food or drink	272 to 276	1	4	..	4	...	...	
Total, Class IV.	.....	123	167	49	114	1	..	3
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.								
Breaches of laws relating								
To excise on spirits and drugs (Abkaree), Act X. of 1871	.....	70	85	6	79	...	...	
Do. Customs Act, VIII. of 1878	.....	5	8	...	8	..	...	
Do. Passengers Act, VIII. of 1876	.....	1	1	...	1	...	...	
Do. Fishery Act, VII. of 1875	.....	3	4	...	4	...	...	
Do. Gaming and Lotteries Act, III. of 1867	.....	62	274	26	248	...	...	
Do. Cattle-trespass Act, I. of 1871	.....	2	2	1	1	...	...	
Do. Arms Act, XXXI. of 1860	.....	2	5	1	4	...	..	
Do. Merchant Shipping Act	.....	65	117	37	80	..	..	
Do. Municipal Rules Act, VII. of 1874	.....	275	670	126	544	..	...	
Do. Port Rules	.....	7	25	19	6	...	...	
Do. Buying soldiers' clothing, Act VII. of 1867	.....	4	16	4	12	...	...	
Do. Cantonment Rules Act, XXII. of 1864	.....	126	244	21	223	..	...	
Do. Forfeiture of security	C. P. C. 397	1	1	...	1	..	...	
Do. Prisons Act, XXVI. of 1870	.....	7	8	...	8	...	...	
Do. Immigration Act, III. of 1876	.....	23	31	1	30	...	...	
Do. Railway Act, I. of 1876	.....	5	5	...	5	...	...	
Do. Carriages, Carts, and Boats	.....	104	220	48	181	...	...	
Contagious Disease Act	.....	90	173	18	160	...	...	
Total	.....	852	1,898	303	1,595	...	...	
ABSTRACT.								
Offences under Class I.	.....	795	1,220	198	1,018	1	...	3 do.
Do. do. „ II.	.....	787	1,071	662	348	2	11	48 do.
Do. do. „ III.	.....	896	841	223	566	1	1	50 do.
Do. do. „ IV.	.....	123	167	49	114	1	..	3 do.
Breach of Special Laws of the province	.....	852	1,898	303	1,595	...	...	
Total	.....	3,453*	5,797	1,435	4,241	5	12	104

*Of these, only 3,156 were brought to trial.

3.—(Criminal).—Statement shewing the general results of Criminal Trials in the Tribunals of various classes in the Town of Rangoon in the year 1878.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF								REMARKS
	Remaining at end of last year	*Brought to trial during the present year*				Received by transfer	Total.	Discharged without trial	Acquitted	Convicted	Committed or referred	Died, escaped, or transferred	Remaining at the end of year	Average number of days during which each case lasted	Number of witnesses who attended	
		Under arrest by police	Upon warrant	On summons	Voluntarily											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Assistant Magistrate, Kemendine		299	12	106			417	41	86	288	.		2	3	672	* This case was transferred to, and tried by, the Assistant Magistrate and is included among those tried by him †Two escaped,one transferred to Moulmein, one to Henzada, and one referred to, and disposed of by, the local Government (a) In this case, the jury by a majority of three, returned a verdict that the accused was not guilty, either of the offence of murder, or culpable homicide not amounting to murder, with which the Recorder did not agree, and consequently it was referred to the Special Court as a High Court under section 263, Criminal Procedure Code (b) One was found insane and incapable of making his defence Referred to local Government under section 426, Criminal Procedure Code
Assistant Magistrate Rangoon	14	3,455	51	785			4,305	341	681	3,183	85	5†	10	2½	4,515	
Town Magistrate Rangoon ..	1*	887	3	185		.	1,075	78	206	770	19			2½	1,145	
Total	14	4,641	66	1,076			5,797	460	975	4,241	104	5	12	2·6	6,332	
Sessions Court (Recorder s)		95					95	2	30	59	1(a)		3(b)	20	401	
High Court (Recorder s)		5		.			5		2	3						
Total		100					100	2	32	62	1		3			
GRAND TOTAL	14	4,741	66	1,076			5,897	462	1,007	4,303	105	5	15			

4.—(Criminal.)—Statement shewing the Punishments inflicted by the various Criminal Tribunals in the Town of Rangoon in the year 1878.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENTS.																								
					IMPRISONMENT				FINE		WHIPPING					FINE.									IMPRISONMENT.														WHIPPED.		
		TRANSPORTATION			*Rigorous*																				*15 days.*		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*						
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs 500 and under.	Rs 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																					Rs. A. P.	Rs. A. P.	Rs. A. P.															
Assistant Magistrate, Kemendine	..	...	...	...	...	52	3	...	7	207	3	23	...	3	...	173	37	1	3	...	...	3,142 0 0	1,975 0 0	282 0 0	3	...	49	3	...	...	...	...	...	...	14	12	...
Assistant Town Magistrate, Rangoon ...	...	...	...	...	7	470	9	...	5	2,473	19	131	4	20	40	2,119	300	39	20	...	...	24,867 0 0	17,671 0 0	208 0 0	159	7	232	2	86	...	...	...	...	...	50	62	38
Senior Town Magistrate, Rangoon ...	...	...	...	...	6	83	5	...	1	643	6	13	4	5	5	551	75	8	9	1	..	6,069 0 0	4,487 0 0	26 0 0	13	4	49	1	27	...	...	...	...	...	6	13	...
Total ..	...	...	...	...	13	605	17	...	13	3,323	28	167	8	28	45	2,843	412	48	32	1	...	34,078 0 0	24,133 0 0	516 0 0	175	11	330	6	113	...	...	...	...	...	70	87	38
Recorder's Court exercising the powers of a Court of Sessions...	3	5	.	...	..	50	1	..	2	...	...	...	...	...	..	..	...	...	2	...	..	1,000 0 0	1,000 0 0	...	.	...	4	1	7	.	35	...	4	...	..	...	...
Recorder's Court exercising the powers of a High Court	...	...	...	...		3	.		..	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	..	1	...	1	...	...	...	1	...	...	...	...
Total ...	3	5	...	...	.	53	1	...	2	.	...	...	...	..	...	...	..	...	2	...	..	1,000 0 0	1,000 0 0	..	...	...	5	1	8	...	35	...	5	...	...	...	...
GRAND TOTAL .	3	5	...	...	13	658	18	..	15	3,323	28	167	8	28	45	2,843	412	48	34	1	..	35,078 0 0	25,133 0 0	516 0 0	175	11	335	7	121	...	35	...	5	...	70	87	38

B.—Judicial.

5.—(Criminal.)—Statement shewing the results of Appeal and Revision in Criminal Cases in the Province of British Burma in the Town of Rangoon during the year 1878.

Class of tribunal.	Number of appellants or persons applying for revision under section 404, Code of Criminal Procedure.	Number of persons.								Remarks.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Recorder's Court exercising the powers of a Court of Sessions	20	12	2	1	5	.	...	..	...	

11.—*Statement shewing use of Juries and Assessors in the Civil and Criminal Courts of the Town of Rangoon in the year 1878.*

CLASS OF COURT IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jurors or Assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note shewing in what classes of cases juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judge agreed with Assessors.	Number of cases in which the Judge differed from Assessors.		
Jurors are employed in all criminal trials before the Recorder as a Court of Sessions and as a High Court for the trial of European British subjects.	*Jury of five.*—No prescribed qualifications beyond what is laid down in the Criminal Procedure Code.	62	...	61	1	...	...	Criminal trials.	Two cases were withdrawn, and in five cases the accused pleaded guilty.
Assessors in civil cases, at the discretion of the Recorder.	*Assessors.*—One or more. No prescribed qualifications.								

BENGAL SECRETARIAT LIBRARY

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B.—JUDICIAL.

1.—*Statement shewing the various Judicial Tribunals, Original and Appellate, existing in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1878.*

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.		Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.			
								Europeans.											Criminal.	Civil.	Revenue.	Appeal.
								Covenanted.	Commissioned Military Officers.	Uncovenanted.	Natives.	European.	Native.									
												Rs.	Rs.	Rs.								
Local and subordinate Magistrates exercising criminal powers only. Unpaid.	3	...	...	3	1 Judge	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	...	2	1	..	...	...	Rs 2,09,422-8-10	Deputy Conservator of Forests.	...	...	70	...	...	...
Ditto ditto exercising criminal powers only. Paid.	2	...	...	2	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	1	1	...	...	5,600	...	5,600		Captain, M.S.C.	...	4	230	...	...	...
Ditto ditto exercising civil and criminal powers only. Paid.	1	...	...	1	1 do.	Magistrate of the 1st class under section 20, Act X. of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.	...	...	1	...	...	2,400	...	2,400		Assistant Commissioner.	...	...	236	143	...	...
Ditto ditto exercising civil powers only. Paid.	2	...	...	2	1 do.	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under sections 12 and 13 of Act XVII. of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	...	...	...	2	...	4,800	10,218		.....	...	19	..	1,907	..	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	95	...	...	95	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act XVII. of 1875. Civil original jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII. of 1875, with revenue powers under the rules of the province.	...	6	..	2	87	7,600	15,968-8	1,91,076		..	Sundays and holidays excepted.	3	14,319	22,163	6,720	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	1	...	...	1	1 do.	Magistrate of the 3rd class under section 20, Act X. of 1872. Civil original jurisdiction of whatever value or amount under section 2(a) of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	..	...	1	...	1,200	2,308		.....		3	22	30	...	...

Small Cause Courts confined to proper functions.	1	...	...	1	Both under Act XVII of 1875. One Judge for both Courts. Jurors employed in Sessions' trials.	Civil original jurisdiction in civil suits up to Rs 1,000, under section 12 of Act XVII. of 1875.	..	.	...		.	..	..	...		.....		9	...	5,271	...	...
Court of the Judge of the town of Moulmein.	1	...	...	1		Civil original sessions and criminal appeal under Act XVII. of 1875, also powers of a Small Cause Court, with jurisdiction up to Rs. 1,000, under section 12, Act XVII. of 1875.	..		1	..	16,560	..	26,788-4-0		Sessions Judge		7	25	541	...	4
Magistrates of 1st class exercising criminal powers only.	2	..	..	2	1 Judge	Magistrates of the 1st class under section 20, Act X. of 1872, and Justices of the Peace.			2	..	11,350		22,461-5-4		Presidents of the Municipal Committees.		10	2,226	.	..	...
Magistrates of 1st class exercising criminal, civil, and revenue powers.	12		...	12	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872, and Justices of the Peace. Civil jurisdiction up to Rs. 3,000 under Act XVII. of 1875. Revenue powers under the rules of the province.	...	4	4	3	1	16,772	12,000	2,95,196-9-0		. .		3	3,585	1,021	373	..
Magistrates of districts exercising criminal, civil, and revenue powers; as also special powers under section 36 of Act X. of 1872.	17	...	...	17	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872. Civil original jurisdiction in all suits, of whatever value or amount, with appellate civil powers over all Courts of grade (1) and of grade (2) as defined in section 12, Act XVII. of 1875. Revenue, original, and appellate powers as in the revenue rules of the province, also additional powers under section 36 of Act X. of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the Peace.	...	2	11	4	...	16,335-10-5	...	...	Rs. 2,00,422-8-10.	.....	Sundays and holidays excepted.	33	2,263	76	2,321	1,812
						One Judge, civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the Courts in his district under section 2 (b) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills Districts Laws Regulation, 1874.														
Sessions Courts . .	3	..	...	3	1 do. with Assessors in Sessions' trials	Powers of Court of Sessions under section 15 of Act X of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief Courts of districts and Magistrates of the 1st class.		1	2	.	..	29,866		92,501	.	.	...	5	169	1 Mis.	108	338
Court of the Judicial Commissioner.	1	..		1	1 Judge	Powers of a High Court.		1	.	.		30,000	.	43.104	4,446-12	. . .		.	51	...	.	*698

* Civil 107; Criminal 174· Appeals at Court of Sessions 136; Revisions 281—Total 698.

ABSTRACT.

1 Judicial Commr.	4 Depy. Commrs., 1st grade	3 Deputy Commissioners, 4th grade	6 Assistant Commissioners, 2nd grade
3 Commissioners	3 ditto, 2nd „	1 Superintendent of Hill Tracts	5 ditto, 3rd „
1 Judge .	4 ditto, 3rd „	5 Assistant Commissioners, 1st grade	15 ditto, 4th „

7 Supernumerary Assistant Commissioners		26 Extra Asst Commrs., 3rd class, 1st grade
1 Senior Extra Assistant Commissioner		24 ditto, 3rd „ 2nd „
5 Extra Assistant Commissioners, 1st class, 1st grade		37 ditto, 3rd „ 3rd „
4 ditto, 1st „ 2nd „		2 Assistant Cantonment Magistrates.
7 ditto, 2nd „ 1st „		3 Honorary Magistrates
8 ditto, 2nd „ 2nd „		

B.—JUDICIAL.

2.—(Criminal.)—Statement of Offences reported and of Persons tried, convicted, and acquitted for each offence in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1878.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
CLASS. I.								
OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.								
Relating to coin, stamps, weights and measures.								
Counterfeiting coin	5	9	7	...	...	1	1	
Passing or possessing bad or altered coin	12	18	9	3	...	...	...	
Using as genuine counterfeit stamps, or effacing or altering same	1	1	...	1	...	...	6	
Making, using, or possessing false weights or measures	14	36	9	27	...	...	...	
Against public justice.								
Abetment	1	1	1	...	...	...	...	
Personating public servant or soldier	8	11	3	8	...	...	...	
Concealing design to commit offence	4	10	3	7	...	...	...	
Omitting to give information of offence, or giving false information	48	67	26	41	...	...	...	
Causing disappearance of evidence	14	19	9	8	...	...	2	
Resisting, obstructing, or omitting to assist public servant	44	72	34	34	1	3	...	
Disobedience of lawful order, causing injury	98	246	50	196	...	...	...	
Intentional insult or interruption in judicial proceedings	8	8	...	8	...			
Harbouring an offendor	16	25	11	14	...	...	...	
Taking gift to screen offender	30	40	18	22	...	...	...	
Resistance to lawful apprehension, and rescue	45	51	7	44	...	...	...	
Escape from lawful custody or transportation	58	62	5	55	...	2	...	
Absconding from, avoiding, or disobeying summons or notice or order to attend or produce, or refusing to answer or sign	96	193	56	136	1	...	...	
Failure to attend as Juror or Assessor	2	6	2	4	...	...	...	
By public servants.								
Taking valuable things by, or to influence, public servants	58	80	22	49	2	6	1	
Public servant acting illegally to injure any person	2	2	1	1	...	...	...	
Do. do. unlawfully trading	2	2	...	...	2	...	...	
Do. do. fraudulently defeating punishment or forfeiture	3	3	...	3	...	...	...	
Do. do. intentionally omitting to apprehend, or permitting to escape	17	20	3	14	...	3	...	
Do. do. negligently suffering escape	43	54	11	43	...	...	...	
Breach of Police Act by Police Officers	34	51	5	40	...	...	...	
False evidence, false complaints or claims, and forgery	9	12	7	3	...	2	...	
Giving false evidence	31	36	23	7	1	...	5	
Fabricating false evidence	1	1	...	1	...	...	...	
Making, issuing, or using false statement or certificate	2	2	1	1	...	...	...	
False personation in judicial proceeding	8	9	3	6	...	...	...	
Fraudulent claim to, or concealment of, property, or suffering of decree	10	14	12	2	...	...	...	
False claim in Court of justice	4	4	1	3	...	...	...	
False charge of offence	30	42	19	22	...	...	1	
Forgery, or fraudulently using or possessing forged document	9	12	7	3	...	...	2	
Public nuisances.								
Public nuisances under Penal Code	1,510	2,382	655	1,701	13	13	...	
Lottery office	1	5	2	3	...	...	...	
Relating to the public peace.								
Causing danger or obstruction	6	6	1	5	...	...	...	
Rioting or unlawful assembly	166	998	303	692	3	...	...	
Omitting to inform or prevent riot	21	66	12	54	...	...	...	
Affray	242	838	216	614	4	4	...	
Offences relating to religion	11	23	13	9	1	...	...	
Total, Class I.	2,724	5,537	1,567	3,890	28	34	18	
CLASS. II.								
OFFENCES AGAINST THE PERSON.								
Murder — by dacoits	6	27	7	...		...	20	
Murder — „ robbers	9	7	2	...	...	...	5	
Murder — „ poison from other motives	1	1	1	...	...	...	...	
Murder — Other murders... from motives connected with women	14	16	2	...	...	...	14	
Murder — Other murders... from other motives	70	86	12	...	...	2	72	
Causing death by rash or negligent act	4	11	5	5	...	1	...	
Attempt to murder	15	12	...	1	...	1	10	
Culpable homicide	23	23	9	6	...	...	8	
Abetment of suicide	11	9	6	3	...	...	...	
Attempt to commit suicide	16	19	10	9	...	...	...	
Causing miscarriage	2	4	3	1	...	...	...	
Exposure of infant or concealment of birth	2	2	1	...	...	1	...	
Carried over	173	217	58	25	...	5	129	

B.—JUDICIAL.

2.—(*Criminal.*)—*Statement of Offences reported, &c.*—(continued).

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
Brought forward	173	217	58	25	...	5	129	
OFFENCES AGAINST THE PERSON—(*continued*).								
Grievous hurt	97	126	42	60	3	7	5	
Do. do. on grave and sudden provocation	18	20	4	16	...	...	...	
Hurt	913	1,462	514	941	...	7	...	
Hurt by dangerous weapons, causing hurt to deter public servant ...	258	321	102	209	1	9	...	
Administering stupifying drugs	2	6	5	1	...	...	...	
Causing hurt to extort property or confession	3	3	1	2	...	...	...	
Act dangerous to life or safety	17	20	7	13	...	...	...	
Wrongful restraint	151	253	99	152	...	2	...	
Do. confinement	27	62	35	27	...	...	...	
Do. do. to extort property or confession	26	39	19	19	...	1	...	
Assault or use of criminal force	3	4	1	3	...	...	...	
Criminal intimidation or insult	2,280	3,132	1,833	1,272	2	25	...	
Causing annoyance in state of intoxication	1,105	1,382	882	491	5	4	...	
Criminal force to women	36	49	8	41	...	...	...	
Buying or disposing of any person as a slave	3	3	2	1	...	...	...	
Kidnapping or abduction	2	2	1	1	...	...	...	
Abducting a woman to compel marriage or for defilement	39	51	24	20	1	2	4	
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution	7	13	8	2	...	...	3	
Enticing a married woman with criminal intent	...	...	...	...	...	...		
Fraudulent and unlawful marriages	19	20	19	6	1	1	2	
Adultery	2	6	6	...	...	...		
Rape	64	72	63	3	...	3	3	
Unnatural offences	40	46	31	11	...	1	3	
Defamation	7	8	3	2	...	...	3	
	57	73	52	21	...	...	...	
Total, Class II. ...	5,400	7,399	3,819	3,348	13	67	152	
CLASS III.								
OFFENCES AGAINST PROPERTY.								
With violence.								
Dacoity	49	168	39	74	...	...	55	
Preparation or assembly for dacoity	8	5	3	2	...	...		
Robbery with hurt or deadly weapon	34	69	22	34	...	...	13	
Robbery	87	134	61	51	4	3	15	
Extortion	63	115	58	51	1	5		
House-breaking or house-trespass in order to commit theft	475	406	120	270	1	3	12	
House-breaking or house-trespass in order to commit an offence other than theft	49	43	12	31	...	...	1	
House-breaking or house-trespass, with preparation for, or attempt at, hurt	15	14	6	7	...	...	...	
House-breaking or lurking	45	53	23	30	...	...	...	
House-trespass	23	26	8	18	...	...	...	
Without violence.								
Theft ... { of cattle	681	819	188	323	...	8	1	
Theft ... { ordinary	7,114	5,597	1,849	3,699	17	25	7	
Dishonestly receiving stolen property	492	741	263	457	1	19	1	
Dishonest misappropriation of property	206	291	119	170	...	2	...	
Criminal breach of trust	212	284	100	116	7	7	4	
Cheating	146	202	110	78	4	3	1	
Malicious offences.								
Mischief, ordinary	375	714	430	280	...	4	...	
Mischief by poisoning or killing cattle	81	96	56	39	1	...	...	
Do. by destroying land-marks	2	4	...	4	...	...	...	
Serious mischief by fire	34	31	16	10	...	...	...	
Criminal trespass or house-trespass	856	1,436	857	567	2	10	5	
Breaking closed receptacle	1	1	...	1	...	...	...	
Total, Class III. ...	11,043	10,899	4,346	6,311	38	89	115	

2.—(*Criminal.*)—*Statement of Offences reported, &c.*—(concluded).

Description of Offence.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	Remarks.
CLASS IV.								
Offences not included in the above class.								
Vagrancy without ostensible means of livelihood	42	79	31	48	...	...	...	
Criminal breaches of contracts of service	32	47	12	35	...	...	...	
Total, Class IV. ...	74	126	43	83	...	...	...	
Breaches of special laws for the protection of the revenue or on other subjects, the Acts being specified.								
Breaches of laws relating to								
Excise on Spirits and Drugs (Abkaree)	1,358	1,734	400	1,328	1	5	...	
Customs Act	5	6	3	3	...	...	...	
Post Office Act	1	1	...	1	...	...	...	
Jails	25	29	3	26	...	...	...	
Ferries	98	160	36	116	3	5	...	
Gaming and Lotteries	608	3,164	642	2,464	16	12	...	
Lunatics Act	1	4	2	2	...	...	...	
Cattle-trespass Act	82	131	54	77	...	...	...	
Possession of Arms	20	31	2	29	...	...	...	
Merchant Shipping Act	47	97	34	63	...	...	...	
Local Rules	4	6	...	6	...	...	...	
Arms Act	4	6	5	1	...	...	...	
Port Rules	2	6	...	6	...	...	...	
Revenue Rules	17	82	31	51	...	...	...	
Police Act	911	1,761	172	1,586	1	2	...	
Cantonment Rules	174	357	16	341	...	...	...	
Carriages, Carts, and Boats	46	107	37	70	...	...	...	
Contagious Disease	37	47	20	27	...	...	...	
General Stamp Act	12	16	2	14	...	...	...	
Fishery Act	45	181	53	128	...	...	...	
Burma Courts Act, IV. of 1875	2	2	2	...	...	...	...	
Ferry Act	7	37	2	35	...	...	...	
Embankment Act	99	265	22	243	...	...	...	
Nuisance under Police or Municipal or Local Act	1,188	2,159	290	1,869	...	...	...	
Military Act	1	1	...	1	...	...	...	
Contract Act	26	26	13	13	...	...	...	
Hill Regulations	8	12	4	8	...	...	...	
Railway								
Dispute concerning land, &c., under section 530, Civil Procedure Code ...	32	50	20	29	...	1	...	
	1	1	...	1	...	...	...	
Total ...	4,861	10,479	1,865	8,558	21	25	...	
ABSTRACT.								
Offences under Class I.	2,724	5,537	1,567	3,890	28	34	18	
Do. do. „ II.	5,409	7,399	3,819	3,348	13	67	152	
Do. do. „ III.	11,043	10,899	4,346	6,311	38	89	115	
Do. do. „ IV....	74	126	43	83	...	...	...	
Breaches of Special Laws of the province	4,861	10,479	1,865	8,558	21	25	...	
Total ...	24,111	34,440	11,640	22,190	100	215	285	

3.—(Criminal).—Statement shewing the general result of Criminal Trials in the Tribunals of various classes in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year.	Brought to trial during present year				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Unpaid Magistrates	1	20	1	73	...	...	95	...	25	62	...	3	5	5	115	
Local and subordinate paid Magistrates	51	12,410	1,053	6,060	10	168	19,752	2,608	4,773	12,186	18	67	98	3·8	36,461	
Full power Magistrates exercising jurisdiction throughout the district	45	5,240	224	1,775	3	235	7,522	1,157	1,141	5,013	142	18	53	2·26	17,743	
Chief Magistrates of districts ...	72	4,494	315	1,520	4	661	7,066	742	1,194	4,934	125	12	59	4·46	13,996	
Total	169	22,164	1,593	9,428	17	1,064	34,435	4,507	7,133	22,195	285	100	215	3·66	68,315	Cases regarding maintenance of wives and children are included in this column by the Commissioner of Pegu. Return 1, five persons, of whom one acquitted and four convicted; hence the difference from statement 2. 1 transferred to the Commissioner of Pegu. 1 pending from 1877. Reported to local Government for orders.
Sessions Courts	10	35	...	...	...	145	190	...	50	117	...	12	11	60·05	912	
Judicial Commissioner's Court ...	8	...	...	...	...	116	124	7	52	62	...	...	1	36·45	445	
GRAND TOTAL ...	287	22,199	1,593	9,428	17	1,325	34,749	4,514	7,235	22,374	285	112	227	33·30	69,672	

B.—JUDICIAL.

4.—*(Criminal.)—Statement shewing the Punishments inflicted by the various Criminal Tribunals in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.*

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENTS.																							
					IMPRISONMENT				FINE		WHIPPING					FINE.									IMPRISONMENT.												WHIPPED.		
					Rigorous																			*15 days.*		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*					
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs 500 and under.	Rs 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																					Rs. A. P.	Rs. A. P.	Rs. A. P.													
Unpaid Magistrates ...	...	...	...	...	...	3	14	9	...	35	...	1	..	...	...	22	13	...	..	...	...	...	...	...	14	3	...	...	...	..	...	...	...	1	..	...
Local and subordinate paid Magistrates, ..	...	...	...	...	22	2,471	87	...	307	9,162	74	443	...	...	..	5,975	3,096	357	4	...	...	1,53,125 10 11	1,23,496 5 3	15,611 6 0	541	39	1,948	48	4	...	...	...	...	...	166	262	89
Full power Magistrates of general jurisdiction ...	...	...	...	...	75	1,551	56	...	224	3,084	49	247	30	...	285	2,134	863	175	123	13	...	98,596 7 0	65,467 3 8	9,597 3 0	187	13	846	40	568	3	5	...	...	...	80	132	84
Chief Magistrates of districts ...	...	...	7	...	108	1,450	139	...	169	3,034	59	166	39	4	218	2,577	439	117	68	2	...	53,443 2 0	37,970 1 7	6,001 8 6	128	90	558	45	552	4	320	...	...	...	36	97	92
Total ...	...	...	7	...	205	5,475	296	9	700	15,315	182	857	69	4	503	10,708	4,411	649	195	15	...	3,05,165 3 11	2,26,933 10 6	31,200 1 6	856	156	3,355	133	1,144	7	325	...	...	...	283	491	265
Sessions Judges ...	21	40	13	...	...	37	5	...	11	1	...	...	...	...	...	1	1	1	5	3	1	7,630 0 0	3,030 0 0	1,500 0 0	...	3	14	2	4	...	12	...	7	...	...	...	...
Judicial Commissioner.	11	13	18	...	...	20	..	...	2	...	...	...	...	...	...	...	...	1	1	...	..	400 0 0	...	...	...	..	3	...	...	...	15	...	2	...	...	...	...
GRAND TOTAL ...	32	53	38	...	205	5,532	301	9	713	15,316	182	857	69	4	503	10,709	4,412	651	201	18	1	3,13,195 3 11	2,29,963 10 6	32,700 1 6	856	159	3,372	135	1,148	7	352	...	9	...	283	491	265

B.—Judicial.

5.—(Criminal.)—Statement shewing the results of Appeal and Revision in Criminal Cases in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1878.

Class of Tribunal.	Number of appellants or persons applying for revision under section 404, Code of Criminal Procedure.	Number of persons.								Remarks.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Magistrate of District ... Appeals from unpaid Magistrates	..	...	...	..	...	...	...	...	..	
Appeals from paid Magistrate	550*	23	201	97	213	3	2	5	6	*Twenty-one persons who came as appellants before the empowered Magistrates in the Tenasserim division are not included. * One person, for further enquiry, is included in the column of reversal by the Deputy Commissioner of Rangoon.
Sessions Court Appeals from unpaid Magistrates	...	.	..	.	...	...	..	...	.	
Appeals from paid Magistrates	416	68	231	44	44	3	1	...	6	Five rejected, as the appeals lay to the Judicial Commissioner. Thirteen transferred to the Court of the Judicial Commissioner. One died in the jail, and his appeal struck off the file.
Judicial Commissioner as Court of Sessions	178	47	47	41	24	2	...	..	13	Four transferred to the Commissioner of Pegu.
Ditto as High Court Appeals	226†	102	68	13	26	...	...	...	16	† One died of cholera.
Revisions	538	...	254	63	184	...	...	...	37	
Total ...	1,908	240	* 801	258	491	8	3	5	78	

11.—Statement shewing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

CLASS OF COURT. IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jurors or Assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note showing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judge agreed with Assessors.	Number of cases in which the Judge differed from Assessors.		
Sessions Court, Arakan	2	..	29	...		24	5	Assessors and Jurors principally employed.	
Ditto, Pegu	2	...	22	...	...	10	12		
Ditto, Tenasserim .. .	3	1 .	30	1	...	19	10		
Judges' Court, Moulmein (Criminal) ...	5	25	...	21	4	.	...		
Judicial Commissioners' Court as Court of Sessions	3	..	50	..	...	29	15		In two cases Assessors were not called upon to give their opinion, as the prisoners were acquitted under section 251, Criminal Procedure Code. In one case Assessors were not called upon to give their opinion, as the prisoner was convicted at his own confession. Opinion not asked in three cases charged, being withdrawn.
Total ...	15	26	131	22	4	82	42		

Extract from remarks by Mr. J. JARDINE, Judicial Commissioner of British Burma.

* * * *

"I have visited the stations of Kyouk-hpyoo, Thayetmyo, Prome, Henzada, Mergui, and Tavoy once, Akyab and Moulmein twice, and Bassein and Ma-oo-bin thrice. The work of the local courts was examined at each of these places. The Judicial Commissioner also sat in open court, and disposed of many cases on the spot. Although the days spent on the voyages are unoccupied, these tours result in better performance of administrative duties, and greatly aid the work of revision.

"I have also as an official visitor examined the jails in Rangoon, Akyab, Kyouk-hpyoo, Thayetmyo, Henzada, Prome, Myanoung, Ma-oo-bin, Bassein, Tavoy, Moulmein, and Mergui, paying great attention to the matter of prison punishments, and giving prisoners who wished to appeal or apply in revision full notice of the court being on circuit at the particular place. These tours also enabled me to consult with the local Judges and Magistrates on many matters where their experience was valuable.

"In other matters, I have few changes to notice. The circulars issued this year will shew the more important subjects which have been dealt with by the court: most of them merely reiterate the careful directions of my prodecessors, Messrs. Sandford and Quinton, I found the rulings of those learned Judges on the Gambling Act frequently disregarded; and as serious crime was not uncommon, I had to look at the matter from all points of view. The result has been of great assistance to the police. Instead of devoting their energies to watching every ordinary game at cards, they have lately turned them more persistently against robbers and dacoits. I have not noticed many instances of these crimes having anything to do with gamblers. As the police get rewards in gambling cases, it would be well to stimulate them in the other direction when they effect captures of real criminals. There have been several instances in which great credit was due to subordinate Police Officers.

"I have particularly requested the Magistrates to enforce Chapter X. of the Criminal Procedure Code in all the ways by which police proceedings are brought under the magisterial notice. In several cases, I found the police arresting without any reasonable complaint or suspicion,—a procedure which, if it became common, would turn the sympathies of the well behaved against the law and its officers.

"Careful orders have been given on several matters which have been before the executive Government,—such as the working of the law about security demanded from bad characters, the effectual punishment of habitual criminals, the compensating complainants out of the fine levied, or by return of the stolen goods. The Chief Commissioner was also good enough to print for me copies of Lord Macaulay's note on punishments: I have circulated it with a very important expression of my own views on punishments under the existing law. I am anxious that the subordinate courts should have the means of knowing the reason of the law.

* * * *

True extract,

G. E. WARDE-JONES,

Registrar.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1879.

RANGOON :

PRINTED AT THE GOVERNMENT PRESS.

1880.

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PART I.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1879.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 5-108, dated the 29th July 1880.

READ—

Report on the Administration of Criminal Justice in British Burma for the year 1879.

RESOLUTION.—The work of the Criminal Courts in the province was, on the whole, somewhat lighter in 1879 than in the preceding year. The number of offences reported fell from 27,564 to 25,370, the decrease being most marked under the head of serious offences against property. The number of persons brought to trial was less than in 1878 by 1,977 and the number of persons convicted by 1,000. The proportion of convictions to persons under trial was 67 per cent., or somewhat higher than in the previous year.

2. The business coming before the Special Court, presided over by the Recorder and the Judicial Commissioner, was considerably less heavy than in 1878. The number of appeals on the file was 31, of which 17 were from the Court of the Recorder and 14, including one pending, from the Court of the Judicial Commissioner. All the appeals were either rejected or dismissed. The Special Court also decided two references and confirmed eight capital sentences passed by the Recorder and Judicial Commissioner as Sessions Judges.

3. Fifty-seven cases were committed to the Court of the Recorder, as compared with 71 in 1878. The number of appeals increased from 20 to 52; and 24 cases were called for on perusal of the monthly returns of the Magistrates' Courts.

4. The number of offences reported in the town of Rangoon fell from 3,453 in 1878 to 2,656 in the year under review. There was a most satisfactory decrease in the number of cases of violent crime. In 1878, there were 142 cases reported; while, last year, there were only 79. The proportion of persons convicted and committed to persons brought to trial was 73 per cent., against 72 per cent. in the previous year. The total number of persons under trial in 1879 was 4,535, against 5,797 in 1878; of these, 1,065 were acquitted or discharged, and 3,465 convicted or committed. The proportion of acquittals and convictions in 1879 differed but slightly from the proportion in the preceding

year. The proportion of persons convicted for non-bailable offences to the whole number of such offences reported was 58·23, a result which, as pointed out by the Recorder, is not satisfactory. The remarks of the Recorder on this subject will receive the careful attention of the Magistracy and Police. The punishment of whipping was inflicted in 95 cases, that of solitary confinement in six cases. Sentences of simple imprisonment were passed in only 13 instances. Fines were imposed to the amount of Rs. 30,366, as compared with Rs. 34,078 in the previous year. The proportion realized fell, however, from 71 per cent. in 1878 to 61 per cent. in 1879, and the amount awarded, as compensation, from Rs. 516 to Rs. 477. The attention of the Magistrate of Rangoon will be directed to this serious decrease in the proportion of fines realised; he will be invited to consider whether the average of fines, only about Rs. 10, was too high. If it was not too high, and if fines were imposed with due regard to the circumstances of the individuals, either the arrears should be collected, or cause should be shown why they cannot be realised. The duration of cases was less than in 1878, except in the Court of the Assistant Magistrate of Kemmendine. There were only four cases pending at the close of 1879. Of the persons brought to trial, 54 per cent. were natives of India, 34 per cent. Burmese, 6 per cent. Europeans and Eurasians, and 6 per cent. Chinese. The proportions do not differ materially from those of previous years. Only 57 persons appealed from the decision of the Magistrates, and in only 11 cases was the sentence altered or reversed.

5. Of 206 appeals filed in the Court of the Judicial Commissioner, 200 were decided. The work of revision was carried on with great vigour; the Judicial Commissioner called for no less than 1,613 cases and disposed of 1,312. The fact that the proportion of cases in which the decisions of the Lower Court were reversed or modified fell from 50 per cent. in 1878 to 31 per cent. in the year under review, is an indication of the value of this supervision as a means of improving the administration of the law in the subordinate Courts. The percentage of sentences which are modified, however, is still very high, and shows the necessity of District Magistrates maintaining a careful watch over the work of subordinate officers. The Judicial Commissioner has taken great pains to explain to Magistrates those provisions of the law which are most commonly misunderstood, and his exertions are likely to be attended by excellent results. Twenty-nine capital sentences were referred for confirmation to the Judicial Commissioner as a High Court.

6. The five Sessions Courts, presided over by the Judicial Commissioner, three Commissioners of divisions, and the Judge of Moulmein, disposed of the cases of 256 out of 273 persons under committal. Of these, 184, or 72 per cent., were convicted, a far more satisfactory result than in the previous year, when the proportion of convictions was only 59·67 per cent. In 74 cases the Judge agreed with the Assessors; and in 54 cases he differed from them. The average duration of each trial was 32·64 days, the highest average being in the Court of the Commissioner of Pegu; the cause of the delay in this Court is explained in the body of the report. No sentences of simple imprisonment or of whipping and only two of solitary confinement were passed by Sessions Courts. Of Rs. 5,700 imposed by way of fine, only Rs. 464 were realized; a very small portion of the Rs. 2,950 awarded as compensation was therefore paid. The realization of fines

imposed by Sessions Courts devolves upon District Magistrates; but these figures show that the business should be watched by the Sessions Judges. Five hundred and seventy-nine persons appealed to the Courts of Session; in 159 cases, or 27·46 per cent., the decision of the Magistrate was reversed or modified. The work of the Judicial Commissioner as a Court of Session was lightened by the transfer of the jurisdiction over the Bassein and Thone-gwa districts to the Commissioner of Pegu, whose judicial labours were proportionately increased.

7. The number of offences reported in the province, exclusive of the town of Rangoon, fell from 24,111 in 1878 to 22,714 in 1879. The decrease occurred in each class of crime, the number of cattle-thefts alone among the more serious offences showing an increase. The total number of persons under trial during the year in the Courts subordinate to the Judicial Commissioner was 33,720, being less by 715 than the number in 1878. Of these, 260 were committed to the Sessions Courts, 21,586 were convicted, 4,772 discharged without trial, and 6,783 acquitted; 166 are returned as died, escaped, or transferred; and 153 remained under trial or enquiry at the close of the year. These figures are exclusive of "bad livelihood" cases under Chapter XXXVIII., Criminal Procedure Code, the number of persons brought before the Courts in cases of this description being omitted. The practice as to considering these cases as offences reported or otherwise does not appear to be uniform. The proportion of convictions and committals to the number of persons under trial was about the same as in 1878. It will bear comparison with the proportion of convictions for 1878 in any province, with the exception of the Central Provinces and the North-Western Provinces. Better results however are to be looked for, and the attention of Magistrates must be called to the remarks on this subject made in the Resolution on the Criminal Justice Report for 1878. The total number of witnesses examined was 66,882. The average duration of each case was 3·43 days, that is, slightly less than in the previous year. There is reason to doubt the correctness of the calculation in some instances; and it may be questioned whether an average of a little over one day for each case, if rightly calculated, is not too low to be altogether satisfactory.

8. The following statement shows the punishments inflicted in the province, exclusive of the town of Rangoon:—

Description of punishment.	Number of sentences.		Percentage of total number of sentences.	
	1878.	1879.	1878.	1879.
Death	82	84	·14	·16
Transportation	91	62	·41	·29
Rigorous imprisonment with solitary confinement ..	205	206	·92	·95
Ditto without ditto ..	5,532	5,077	24·77	23·52
Simple imprisonment	301	225	1·35	1·04
Fine only	15,816	15,098	68·58	69·94
Whipping only	857	884	3·83	4·10
Total ..	22,334	21,586	100·	100·
Whipping in addition to other punishment	182	181	·82	·83
Total whipped ..	1,039	1,065	4·65	4·93

From this statement it appears that there was an increase in the proportion of sentences of death, solitary confinement, fine, and whipping; and a decrease in the proportion of sentences of transportation, rigorous imprisonment without solitary confinement, and simple imprisonment. Of the whole number of persons sentenced to rigorous imprisonment, the proportion of those whose sentences exceeded six months and fell short of two years was 22 per cent., against 20 per cent. in 1878; the proportion of those sentenced to more than two and less than seven years was six per cent. in each year; and the proportion of those whose sentences exceeded seven years was ·28 in 1879, against ·16 in 1878. These figures show that the proportion of long sentences is gradually increasing, and may be taken as an indication that some attention is being paid to the frequent comments on the inadequacy of the sentences passed in serious cases or against habitual offenders. The amount of fines imposed by Magistrates was Rs. 3,00,137, a slightly smaller sum than in 1878. Of the fines imposed, Rs. 2,20,368, or 73·4 per cent., were realized. In 1878, the proportion realized was 74·4 per cent. The amount paid as compensation was Rs. 17,778, or 5·92 per cent., against Rs. 31,200, or 10·2 per cent., in 1878. The remarks of the Judicial Commissioner on the subject of the payment of amends to complainants are commended to the serious consideration of Magistrates. The proportion of fines realized is somewhat higher, that of compensation paid slightly lower, than the same proportions for the whole of India in 1878. The average amount of each fine was nearly Rs. 19, as compared with a little over Rs. 8, the average for all provinces taken together in the preceding year.

9. The number of appeals from Magistrates exercising less than full powers was only 630 out of 12,156 persons convicted, or 5·2 per cent., as compared with 4·49 per cent. in 1878. In 52·9 per cent. of the cases appealed, the sentences were modified or reversed. Of the persons convicted by Magistrates of the 1st class in appealable cases, 23 per cent. appealed to the Court of Sessions, as compared with 21·8 per cent. in the preceding year. The proportion of sentences altered or reversed was 27·4 per cent., against 26·6 per cent., in 1878. The Judicial Commissioner's remarks upon the large proportion of reversals in appeals, and as to the quality of the justice administered in the Courts of Native Magistrates of the 1st and 2nd class, should be communicated to those officers in every district. The gradual introduction of a superior class of native officers will be the most effectual remedy for this evil. In the meantime, the regular revision of cases by the Judicial Commissioner and a stricter supervision by District Magistrates cannot fail to be beneficial.

10. The number of persons ordered to find security for good behaviour under Chapter XXXVIII., Criminal Procedure Code, decreased from 503 in 1878 to 473 in the year of report. The Chief Commissioner's views on this subject were expressed in the Resolution on the Criminal Justice Report for 1878, and more recently in the Resolution on the Police Report for last year.

11. The receipts from process-serving fees amounted to Rs. 17,016; the expenditure on the service of processes to Rs. 12,561.

12. The question of the appointment of Honorary Magistrates is still under consideration. It is proposed to make a commencement in Rangoon, and several gentlemen have already consented to act as Magistrates. When the arrangements are complete, definite proposals will be submitted to the Government of India.

13. Mr. Wilkinson and Mr. Crosthwaite presided over the Courts of the Recorder and Judicial Commissioner respectively throughout the year. The thanks of the Chief Commissioner are due to them for the present reports and for the care and diligence with which they have discharged their important functions.

By order of the Chief Commissioner,

G. D. BURGESS,

Offg. Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1879.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 17 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions, and 13 persons appealed from sentences passed by the Judicial Commissioner's Court in the exercise of its transferred jurisdiction under section 36 of the Burma Courts Act, 1875, as a Court of Sessions, making in all 30 persons. There was one appeal pending from the previous year.

2. The following table shows the above particulars and the result :—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1879.	Result.			
			Rejected.	Dismissed.	Confirmed.	Pending.
Court of Recorder exercising the powers of a Court of Sessions	..	17	16	1	..	..
Court of Judicial Commissioner exercising the powers of a Court of Sessions ..	1	13	12	2	..	..
Total ..	1	30	28	3	..	..

3. In the previous year 21 persons appealed from the sentences passed by the Court of the Recorder of Rangoon in the exercise of its powers of a Court of Sessions, 46 from that of the Judicial Commissioner exercising the transferred powers of a Court of Sessions, and the appeals of eight persons were transferred by the Judicial Commissioner's Court to this Court.

4. During the year three capital sentences passed by the Recorder of Rangoon and five by the Court of the Judicial Commissioner as Courts of Session were referred to this Court under sections 60 and 76 of the Burma Courts Act, 1875, for confirmation, all of which were confirmed.

5. Besides the above, there was one case referred to this Court as a High Court by the Recorder of Rangoon under section 263 of the Criminal Procedure Code in which an European British subject was charged with criminal breach of trust and tried in his Court as a High Court by a jury by whom he was unanimously acquitted. The Recorder being of opinion that the verdict was in direct opposition to the evidence refused to concur in the verdict; and this Court found that the verdict of the jury was unreasonable and perverse, and that they could not, on the evidence before them, have reasonably arrived at the verdict which they gave; and the accused was accordingly found guilty and sentenced to one year's rigorous imprisonment for each of the three offences with which he was charged. There was one reference by the Judicial Commissioner under section 76 of the Burma Courts Act, 1875, as to whether when a person convicted of an offence punishable with imprisonment or with fine is sentenced to fine only, the term of imprisonment in default of payment of fine limited by section 65 of the Indian Penal Code is one-fourth the maximum term of imprisonment prescribed for the offence; or can a Magistrate award the full term of imprisonment prescribed for the offence provided that he is otherwise competent under the Criminal Procedure Code to sentence to such term. The Court held that in cases where a Magistrate sentences a person to fine only for an offence which is punishable with imprisonment as well as fine, the term of imprisonment awarded in default of payment of fine must not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence.

RANGOON:
The 31st March 1880.

C. J. WILKINSON,
R. J. CROSTHWAITE,
Judges of the Special Court, British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1879.

DURING the year 1879 there were 48 cases committed to the Recorder's Court as a Court of Sessions, of which six were committed by the Senior Town Magistrate and 42 by the Assistant Magistrate; and there were nine cases committed to the Court as a High Court, seven of which were by the Assistant Magistrate of Rangoon, one by the Town Magistrate of Moulmein, and one by the Deputy Commissioner of Tha-yet-myo, making in all 57 cases committed during the year. Two were pending from the previous year, in one of which the accused was found to be insane and incapable of making his defence. Thus there was a total of 59 cases for disposal. Of these, 56 were disposed of, and three remained pending at the close of the year. The accused in two of these were found to be insane (including the one of the previous year) and incapable of making their defence, and the other was committed after the close of the last sessions of the year. During the year three capital sentences were passed by the Court as a Court of Sessions, all of which were confirmed by the Special Court. In one case, where the Paymaster Sergeant of the 89th Regiment was charged with criminal breach of trust, I disagreed with the unanimous verdict of the jury acquitting him, as in my opinion the evidence should have left no doubt of the accused's guilt. The case was consequently referred to the Special Court under section 263 of the Criminal Procedure Code; and that Court was of opinion that the verdict was unreasonable and perverse, and that the jury could not, on the evidence, have reasonably arrived at the verdict which they gave, and convicted the accused.

2. Seventeen persons convicted by the Recorder as a Court of Sessions appealed to the Special Court; the appeals of 16 were rejected and one dismissed.

3. In the year previous there were 66 cases committed to the Court as a Court of Sessions and five as a High Court.

4. The following table shows the number of persons whose cases came before the Court on appeal or revision from the findings, sentences, or orders of the Magistrates of Rangoon and the result:—

Designation of Magistrate from whose decision appealed.	Number of persons who appealed.	Result.				
		Rejected.	Confirmed.	Modified.	Reversed.	Further enquiries or evidence ordered.
Senior Magistrate	7	4	1	2	..	..
Assistant do.	45	15	11	3	5	11
Total ..	52	19	12	5	5	11

5. In the exercise of its powers of superintendence and revision as a High Court under section 297 of the Criminal Procedure Code, the Court called for 24 cases on perusal of the monthly returns submitted by the Magistrates. In two cases the finding and sentence of the Assistant Magistrate were quashed,

and a fresh sentence passed in one case, and in the other the accused was released. In 22 cases the Court did not consider it necessary to interfere with the proceedings.

6. Besides these cases, there were three references submitted by the Senior Magistrate and two by the Assistant Magistrate.

THE MAGISTRATES' COURTS.

7. The subjoined table shows the number of non-bailable and bailable offences reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with the preceding year :—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1878	843	2,610	3,453	3,156	5,797	1,435	4,241	104	1	4	12
1879	668	1,988	2,656	2,407	4,535	1,065	3,391	74	..	1	4
Decrease ..	175	622	797	749	1,262	370	850	30	1	3	8

8. The reduction in the number of reported cases as compared with last year would lead to the conclusion that there has been less crime. The Town Magistrate says that he has every reason to believe that all crime which actually occurred came to light. Whether this reduction was owing to the temporary absence of a number of bad characters, or due to an improved state of things, it is difficult to say, as there are no data from which to draw a conclusion.

9. The following table shows the number and the results of non-bailable offences for the year in comparison with the previous year :—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1878	843	582	765	169	505
1879	668	424	509	91	347
Decrease ..	175	158	256	78	158

10. In the following table is shown the percentage of detection to the cases reported in non-bailable offences as compared with the previous year :—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1878	843	572	67·85
1879	668	389	58·23

This is a very considerable falling-off, which the Town Magistrate hardly, it seems to me, satisfactorily accounts for. There is at times no doubt difficulty in getting all the evidence requisite to support a conviction, and in cases where it is not forthcoming the police may not be responsible for the result; but a sudden fall in the percentage of convictions of nearly 10 per cent. in comparison with the previous year, which was not above the average of what should be the result, is hardly to be placed to the account of this difficulty. The Town Magistrate observes in respect to these figures that "it does not prove lack of energy or care-"lessness on the part of the police that a large number of the crimes committed "went unpunished. Many cases are surrounded with difficulties, and although the "Police and Magistracy may have no moral doubt of the guilt of the persons "prosecuted, the evidence is not sufficient to convict (and this is true to a certain "extent). From my experience I find that a very large percentage of the detection "is due to the great pains taken by the native owners of property to trace it for "the sake of the recovery thereof. With Europeans and Eurasians and others "who cannot themselves take the same steps the natives do, it is remarkable the "detection is not good." This statement goes almost to admitting that it is only where the exertions of the police are supplemented by the energy and zeal of the parties personally interested is there a likelihood of discovery; or that, unless such persons assist, do the police take all the means they might to exhaust the enquiry. I am inclined to think if there was as much energy and zeal displayed in the investigation of ordinary crime as there is in finding out and prosecuting gambling and excise cases, where a reward is to be expected from a conviction, the result would be more satisfactory than the above table indicates. The Town Magistrate is himself however not satisfied with the result, and suggests that frequent changes in officers and men very much interferes with the efficient working of the police force.

11. The following tables show the number of offences against property with and without violence as compared with the previous year:—

With violence.

Offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1878.	1879.	1878.	1879.	1878.	1879.
Dacoity	3	1	..	..	..	..
Robbery	7	7	3	7	4	7
Extortion	4	1	4	1	4	3
Total	14	9	7	8	8	10

Without violence.

Offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1878.	1879.	1878.	1879.	1878.	1879.
House-breaking in order to commit theft	37	40	27	30	35	34
Theft	625	520	386	290	384	274
Receiving stolen property	70	33	70	33	80	46
Total	732	593	483	353	499	354

From this return the detections are shown as only 58 per cent. of the amount of crime taking together the two offences of theft and receiving stolen property.

12. The following comparative table gives the details of violent crime:—

Offence.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1878.	1879.	1878.	1879.	1878.	1879.
Murder	7	7	6	5	5	5
Attempt to murder..	7	7	7	7	7	7
Culpable homicide..	2	1	2	1	2	1
Grievous hurt	19	15	19	15	23	12
Grievous hurt on grave and sudden provocation ..	..	..	..	..	..	..
Hurt	77	31	67	30	72	29
Hurt with dangerous weapon	30	18	20	18	16	20

The result here is more satisfactory than is the case of crime without violence; but the classes of crime embraced in the return are generally more easy of detection, the evidence for a conviction being generally at hand.

13. The sub-joined table classifies the petty offences for the last three years:—

Offence.	1877.	1878.	1879.
Assault	560	456	400
Insult	85	86	95
Creating a disturbance	268	184	29
Nuisance (Police Act)	144	139	129
Breach of local rules	971	847	632
Drunk and disorderly	328	362	274

14. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	
								In custody.	On bail or recognizance.
Deputy Commmissioner and Town Magistrate, Rangoon	Bailable ..	625	84	88	453	..	..	..	..
	Non-bailable ..	84	..	21	56	7	..	..	..
	Total ..	709	84	109	509	7	..	..	..
Assistant Town Magistrate, Rangoon	Bailable	2,954	204	440	2,294	12	1	..	3
	Non-bailable ..	321	..	50	215	55	..	1	..
	Total ..	3,275	204	490	2,509	67	1	1	3
Assistant Magistrate, Kemmendine	Bailable ..	459	69	103	297	..	..	..	..
	Non-bailable ..	92	..	6	76	..	..	..	..
	Total ..	551	69	109	373	..	..	..	..
	Grand Total ..	4,535	357	708	3,391	74	1	1	3

15. Besides the cases shown in the foregoing table, there were 170 miscellaneous cases connected with shipping, accidental deaths, lunatics, &c. Of

these, 64 were in the Assistant Magistrate's Court and 106 in in the Senior Magistrate's Court.

16. The following is a statement of shipping casualties investigated by the Senior Magistrate by order of the Chief Commissioner under Act I. of 1859 and Act IV. of 1875:—

No.	Subject.
1	Grounding of ship *Glenlyon* while in charge of Mr. Pennystone.
2	Do. of the S.S. *Baghdad* while in charge of Mr. Cook.
3	Do. of the *Birma* while in charge of Mahomed Sassy.
4	Do. of the I. G. S. *Celerity* while in charge of Mahomed Hossain.
5	Regarding fire on board the *Lady Bird*.
6	Grounding of the *Louisiana* while in charge of Mr. Hanley.
7	Do. of the *Kepler* on the Baragua flat.
8	Do. of the British Schooner *Condor* at sea.
9	Death by drowning of the syrang of S.S. *Shway Dagone*.
10	Loss of the native barque *Neeleechelum* on the west coast of the Cocos islands.
11	Enquiry into the conduct of Mr. Warwick for striking the Nacoda of a native vessel.
12	Fouling and sinking of the spit buoy by the S.S *Maharani* while in charge of Pilot Mahomed Hossain.

17. The following table shows the punishments inflicted by the Magistrates:—

	Persons sentenced to					Persons ordered to		Amount of fine.		
	*Imprisonment.**									
	Solitary confinement.	Simple.	Rigorous.	Fine.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
Senior Town Magistrate ..	1	1	57	410	14	19	5	6,327	3,494	8
Assistant do. do. ..	5	11	350	1,961	77	60	24	22,292	13,578	424
Assistant Magistrate, Kemmendine	..	..	89	280	4	..	..	1,747	1,468	45
Total ..	6	12	496	2,651	95	79	29	30,366	18,540	477

Upon the whole, I am inclined to think that the punishments have been awarded upon due consideration of the circumstances of each individual case.

18. The following table shows the detention of witnesses and the average duration of cases:—

	Number of witnesses discharged after one day.				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
Senior Town Magistrate ..	630	14	3	..	2½ days.	1¾ days.
Assistant do. do. ..	2,854	23	8	2	2½ ,,	2 ,,
Assistant Magistrate, Kemmendine	316	8	..	..	3 ,,	5¼ ,,
Total ..	3,800	45	11	2	2⅔ ,,	3 days.

* Persons sentenced to fine as well as imprisonment are not shown in those columns.

This return indicates that the witnesses in the Town Magistrate and Assistant Town Magistrate's Courts have not been unduly detained. As regards the larger detention in the Court of the Assistant Magistrate at Kemmendine, it is in a great measure attributable to his prolonged and severe illness, which frequently prevented him attending to his magisterial duties.

19. The nationalities of persons brought to trial during the last three years in the Magistrates' Courts are shown in the subjoined table :—

Nationalities.	1877.	1878.	1879.
Burmese	2,161	1,841	1,527
Chinese	380	244	284
Natives of Bengal and Upper India	786	993	894
Madrasees	2,600	2,184	1,263
Chittagonians	227	207	295
Europeans and Eurasians	365	328	272
Total ..	6,519	5,797	4,535

20. During the year under review Major R. C. Evanson was the Town Magistrate and Mr. H. G. Batten the Assistant Town Magistrate, whilst Moung Shway Hlaing was Assistant Magistrate at Kemmendine from the 1st January to the date of his death, the 29th November.

RECORDER'S COURT, RANGOON:
The 30th March 1880.

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From R. J. CROSTHWAITE, Esq., Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 305-35, dated the 28th April 1880.

I HAVE the honour to submit the Annual Report on the Administration of Criminal Justice in British Burma (exclusive of the town of Rangoon) for the year 1879, together with a set of statistical returns.

2. The sub-joined tables, A and B, show the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year :—

A.

Division.	Name of district.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1878.	1879.	1878.	1879.	1878.	1879.	1878.	1879.	1878.	1879.
ARAKAN.	Akyab	1,214	1,107	1,945	1,771	816	699	1,077	1,014	55·	57·25
	Do. town.. ..	835	859	1,456	1,423	326	287	1,120	1,120	76·	78·71
	Kyouk-pyoo.. ..	913	952	1,131	1,211	377	416	741	786	65·5	64·91
	Sandoway	410	435	431	420	147	177	275	240	63·	57·14
	Northern Arakan ..	49	61	96	82	23	30	72	51	72·96	62·20
PEGU.	Hanthawaddy ..	2,567	1,896	3,354	3,068	1,216	1,196	2,002	1,812	59·66	59·06
	Thone-gwa	1,402	1,577	2,926	2,759	1,280	935	1,621	1,801	55·	65·28
	Bassein	2,635	2,195	3,769	3,542	1,082	1,176	2,616	2,241	69·48	63·27
	Henzada	2,116	1,824	2,745	2,711	916	808	1,811	1,886	66·	69 57
	Tharrawaddy ..	1,266	1,537	1,958	2,726	712	865	1,225	1,229	62·	57·81
	Prome	3,091	3,055	4,361	4,016	1,335	1,408	2,970	2,559	60·	63·72
	Tha-yet-myo ..	1,865	1,777	2,241	2,268	576	689	1,637	1,537	78·	67·77
TENASSERIM.	Amherst	1,285	1,309	1,794	1,950	674	726	1,080	1,159	60·	59·44
	Shway-gyin	1,091	1,441	1,488	1,940	598	688	875	1,218	58·6	62·78
	Toungoo	1,080	795	1,591	992	566	412	990	574	62·	57·86
	Tavoy	320	321	476	617	173	228	300	388	62·	62·88
	Mergui	208	261	394	330	133	94	242	229	62·7	69·39
	Salween	59	59	98	87	20	9	77	77	78·	88·51
	Moulmein	1,615	1,453	2,181	2,407	670	712	1,464	1,665	68·	69·17
	Total ..	24,111	22,714	34,495	33,720	11,640	11,555	22,195	*21,586	64·45	64·02
	Decrease ..	..	1,397	..	715	..	85	..	609	..	43

* Four hundred and seventy-three persons convicted of bad livelihood by different Magistrates are not included (*See* statement No. 2).

Increase and decrease in the different districts during the year.

INCREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab town	24	..	..	..
Kyouk-pyoo	39	80	39	45
Sandoway	25	..	30	..
Northern Arakan	12	..	7	..
Thone-gwa	175	..	..	180
Bassein	..	..	94	..
Henzada	..	..	..	75
Tharrawaddy	71	168	153	4
Prome	..	..	73	..
Tha-yet-myo..	..	27	113	..
Amherst	24	156	52	79
Shway-gyin	350	452	90	343
Tavoy	1	141	55	88
Mergui	..	..	..	..
Salween	..	..	..	..
Moulmein	..	226	42	201
Total ..	721	1,250	748	1,015

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	107	174	117	63
Do. town	..	33	39	..
Sandoway	..	11	..	35
Northern Arakan	..	14	..	21
Hanthawaddy	671	286	20	190
Thone-gwa	..	167	345	..
Bassein	410	227	..	375
Henzada	292	34	108	..
Prome	36	345	..	411
Tha-yet-myo..	88	..	..	100
Toungoo	285	599	154	416
Mergui	37	64	39	18
Salween	..	11	11	..
Moulmein	162	..	..	..
Total ..	2,118	1,965	833	1,624

There has been a decrease of nearly six per cent. in the number of offences reported, of two per cent. in the number of persons brought to trial, and the percentage of convictions to persons brought to trial was 64, a better result than that obtained last year. The percentage of convictions and committals in Courts presided over by Magistrates of the 1st class was 69·47, in Courts of the Magistrates of districts 71·35, and in those of Subordinate Magistrates of the 2nd or 3rd class 61·19. In 1878 these percentages were in Courts of Magistrates of the 1st class 68·53, in Courts of Magistrates of districts 71·60, and in Subordinate Courts 61·79. The general percentage is much reduced by the great number of persons acquitted or discharged in the Courts of some Subordinate Magistrates who have used no discretion in granting summonses.

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committtd.	Cases reported.	Persons convicted and committed.
Arakan.	Akyab	1878 ...	2	1	2	5	1	...	...	...	3	1	...	...	11	7	37	35	25	29	329	190
		1879 ...	2	3	7	11	1	1	1	6	3	5	1	...	7	6	24	23	17	21	289	207
	Do. town	1878 ...	3	1	2	2	1	1	...	..	...	...	...	...	1	...	5	6	..	.	134	76
		1879 ...	...	...	1	3	...	...	..	..	...	...	...	...	..	...	2	1	...	...	145	86
	Kyouk-pyoo	1878 ...	2	1	4	4	2	1	2	...	3	6	1	...	7	2	14	13	7	3	406	230
		1879 ...	2	...	1	1	1	...	1	...	...	...	1	1	1	1	14	14	1	2	418	265
	Sandoway	1879 ...	...	...	1	...	...	...	...	...	1	3	...	...	...	...	17	9	2	1	198	106
		1879 ...	1	...	.	...	...	..	...	...	...	...	...	...	2	2	12	4	4	2	241	96
	Northern Arakan	1878 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9	5
		1879 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	7	4
Pegu.	Rangoon	1878 ...	7	4	18	18	4	1	9	33	27	30	6	2	26	26	85	26	135	53	775	440
		1879 ...	1	...	20	11	5	4	5	8	12	9	6	3	19	15	46	49	92	40	512	388
	Thone-gwa	1878 ...	2	...	8	3	3	4	5	14	6	12	8	1	8	3	15	29	12	3	540	326
		1879 ...	4	2	7	8	1	1	1	5	10	6	2	...	7	5	15	9	25	15	569	317
	Bassein	1878 ...	...	...	9	7	1	1	1	16	7	14	4	1	9	12	141	83	15	4	535	396
		1879 ...	3	1	13	9	2	2	...	...	8	15	1	..	13	7	75	32	26	15	607	367
	Henzada	1878 ...	1	...	6	4	1	...	3	17	16	7	2	1	5	5	76	29	26	10	965	453
		1879 ...	1	...	8	5	...	...	3	12	11	9	2	...	13	8	59	28	41	33	831	418
	Tharrawaddy	1878 ...	...	...	1	1	2	2	5	17	6	9	3	...	..	...	23	19	9	14	463	425
		1879 ...	...	...	1	2	1	...	8	25	11	19	2	...	5	6	15	10	21	27	435	355
	Prome	1878 ...	2	1	13	12	2	2	6	14	17	15	3	3	14	14	27	25	119	72	1,027	526
		1879 ...	4	2	9	7	1	2	1	15	9	13	8	2	21	19	29	18	102	52	1,022	521
	Tha-yet-myo	1878 ...	1	...	4	3	1	1	3	...	13	2	2	..	1	...	29	12	126	32	717	299
		1879 ...	2	1	6	5	2	1	4	7	8	2	4	3	3	3	23	10	155	14	577	237

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Tenasserim.	Amherst	1878	3	...	17	14	1	1	8	8	6	6	*2	1	8	2	19	14	157	68	400	190
		1879	4	4	6	16	1	1	2	9	6	1	1	1	6	3	8	7	121	30	362	202
	Shway-gyin	1878	1	...	2	6	4	..	2	4	4	3	4	3	4	3	31	18	14	13	420	166
		1879	2	...	1	...	...	...	2	10	5	4	6	3	3	4	26	21	50	16	574	211
	Toungoo	1878	5	2	5	9	...	...	4	4	6	...	...	...	3	2	17	19	21	12	215	112
		1879	1	2	5	2	...	...	3	8	6	3	1	...	3	2	24	12	40	12	184	106
	Tavoy ...	1878	..	...	2	2	...	...	...	...	...	...	1	...	1	1	27	4	3	...	83	39
		1879	...	..	1	...	...	...	...	...	...	...	...	...	1	1	29	6	1	...	96	61
	Mergui	1878	1	1	1	12	...	...	1	2	...	...	...	...	10	7	3	3	2	5	100	44
		1879	...	...	5	7	1	1	...	...	.	...	...	...	2	3	5	4	...	...	92	43
	Salween	1878	..	...	1	1	...	...	...	...	4	5	...	...	2	2	...	...	4	4	15	22
		1879	.	...	1	1	1	1	...	...	..	...	1	...	...	.	...	...	2	1	16	17
	Moulmein	1878	2	2	4	8	...	...	...	...	2	...	4	2	5	4	18	7	4	...	275	99
		1879	2	1	..	...	1	1	...	...	4	2	1	2	4	7	7	5	...	..	138	114
	Total	1878	32	13	100	111	23	14	49	129	121	113	40	14	115	90	584	351	661	323	7,606	4,164
		1879	29	16	91	88	17	14	31	105	93	88	37	15	110	92	413	253	698	280	7,115	4,015
		Increase	...	3	...	...	..	...	...	...	...	..	...	1		2	...	...	17	.	...	..
		Decrease	3	..	9	23	6	...	18	24	28	25	3	.	5	...	171	98	.	43	491	149

Statement B shows that with the exception of cattle-theft, under which head there was a slight increase, there was a decrease in every class of serious crime. There were 9 fewer murders, 18 fewer dacoities, and 28 fewer robberies reported. In 1878 convictions were 56·91 per cent. of serious offences reported, and in the year under review 57·52. Of persons brought to trial for murder and culpable homicide, 77 per cent. and 53 per cent. respectively were committed. Trials for dacoity resulted in the conviction or committal of 76·64 per cent. of those tried. Trials for robbery and theft show percentages of 70 and 65 respectively.

On the whole, I think that while serious crime has decreased, the results of the trials show a fairly efficient criminal administration, though the percentage of convictions for theft (65) is lower than it should be.

Eleven persons were convicted or committed for counterfeiting coin or possessing bad coin out of 17 brought to trial, as compared with four out of 27 in the previous year.

Under section 188 of the Indian Penal Code, 366 persons were brought to trial for disobeying the lawful order of a public servant and 292 convicted. Last year 196 were convicted under this section, which has been very generally misunderstood in this province. Magistrates of districts have been issuing orders which they were not empowered by law to pass, and those who disoboyed these orders have been tried and convicted under section 188, Indian Penal Code. I have quashed a number of these illegal convictions, and endeavoured to point out to Magistrates that they are not empowered by law to issue any orders which they may consider beneficial to the public. The attention of the local Government was also called to this abuse of the law by Mr. Jardine, and orders were issued by the Chief Commissioner with a view to putting a stop to it.

The number of persons convicted this year under the section has been increased by convictions for disobeying orders under the Embankment Act requiring persons to work on the embankments.

There is a very large number of convictions (1,693) under the head of "Public nuisances" under the Penal Code. Last year the number was 1,701, and in 1877 1,865. In the North-West Provinces the convictions under this head amounted to only 1,483 in 1877, and in the Central Provinces in 1878 to 735. The provisions of the law relating to public nuisances have been very generally misunderstood and misapplied. Section 285, the section which deals with negligent conduct with respect to fire, has been used to punish persons who had the misfortune to have their houses burnt down, the burden of proof that they were not guilty of negligence being thrown upon them. There are also a great many prosecutions and convictions under section 294, which punishes those who sing, recite, or utter obscene songs or words in a public place to the annoyance of others. The Burmese, when excited and angry, frequently walk up and down the village shouting out filthy and abusive words, and many of the convictions under this section have been rightly had; but still Magistrates have not been sufficiently careful to require proof that the obscene language was uttered in or near a public place and to the annoyance of others, and the section has been used to punish those who used bad language under circumstances which did not render the use of such language a public nuisance. There is still a large number of convictions under section 336 of the Indian Penal Code, which punishes rash or negligent acts endangering human life or the personal safety of others. In the previous year there were 152 convictions and in the year under report 120 convictions under this section. In the North-West in 1877 there were only 25 such convictions, and in the Central Provinces in 1878 only 34. The practice of throwing stones on to the roof of a house in which a wedding is taking place accounts for a good many of these prosecutions, and many of the Magistrates seem to suppose that the mere throwing of a stone on to the roof of a house brings the offender within the provisions of the section without any proof that human life or the personal safety of others was thereby endangered, or that the act was a rash or negligent one. I have called for many cases falling under Chapter XIV. of the Indian Penal Code and under section 336 and its kindred sections and passed orders on them in revision; and I hope that with the co-operation of the Magis-

trates of districts, the provisions of the law will for the future be better understood. During the year I have had occasion to point out to Magistrates and Judges the great importance in criminal trials of a careful examination of the special diary which section 126 of the Criminal Procedure Code directs should be kept up by the officer making an investigation under Chapter X. of the Code. Till this year it has not been the practice in Burma for the police to keep this special diary; but the attention of the Inspector-General of Police having been called to the omission by remarks made in some of my judgments, he has now issued orders that this special diary should be kept in certain classes of heinous crimes. It is said that there are difficulties in the way of carrying out the law in all investigations; and certainly it is in some places impossible to forward the diary day by day to the District Magistrate or the Superintendent of Police, and it is therfore less valuable as a record of the investigation than it otherwise would be. Still I think that the police should endeavour to carry out the provisions of section 126 in all cases to which it applies, and that Magistrates should see that the diaries are forwarded to them as regularly and as often as possible. I am sure that all who have had experience in trying criminal cases in India will admit the expediency of having this special diary kept as prescribed by section 126 of the Code, and of examining it in all cases in which any doubt may arise as to the truth of the evidence. It is of especial use in cases in which an accused person has confessed and has afterwards alleged that his confession was extorted from him, and also in cases in which the whole question turns on the identification of an accused person. It is essential to a good criminal administration that the police should regularly keep the special diaries, and that the Magistrates should not neglect to use them in enquiries and trials.

3. The next table shows the amount of criminal business in the several districts, the result of the trials and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended:—

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
Arakan.	Akyab	1,771	400	299	1,014	43	5	10	4·6	4,152
	Do. town ..	1,423	52	235	1,120	14	..	2	2·	1,089
	Kyouk-pyoo	1,211	167	249	786	4	5	..	1·9	3,161
	Sandoway	420	42	135	240	..	..	3	6·48	1,392
	Northern Arakan ..	82	13	17	51	..	1	..	2·34	84
Pegu.	Hanthawaddy ..	3,068	740	456	1,812	27	14	19	5·	5,701
	Thone-gwa	2,759	299	636	1,801	9	10	4	3·50	4,669
	Bassein	3,542	338	838	2,241	21	76	28	5·	7,538
	Henzada	2,711	347	461	1,886	6	..	11	3·	6,459
	Tharrawaddy ..	2,126	365	500	1,229	2	21	9	4·2	4,117
	Prome	4,016	842	506	2,559	28	1	20	2·59	7,948
	Tha-yet-myo	2,268	310	379	1,537	20	12	10	3·75	4,376
Tenasserim.	Amherst	1,950	261	465	1,159	35	18	12	4·6	3,377
	Shway-gyin	1,940	360	328	1,218	12	..	22	4·3	3,810
	Toungoo	992	75	337	574	2	1	3	2·	2,401
	Tavoy	617	43	185	388	..	1	..	3·8	1,048
	Mergui	330	26	68	229	6	1	..	4·	786
	Salween	87	1	8	77	1	..	..	1·5	134
	Moulmein	2,407	91	621	1,665	30	..	..	3·	4,640
	Total ..	33,720	4,772	6,783	21,586	260	166	153	3·43	66,882
	In 1878 ..	34,435	4,507	7,133	22,195	285	100	215	3·66	68,315

The best results of the trials are in Akyab town (79 per cent. of convictions), Henzada and Moulmein (70 per cent.) Prome and Tha-yet-myo (68 per cent). The

worst results were obtained in Sandoway (57 per cent.), and in Tharrawaddy and Toungoo (58 per cent.) Thirty-three thousand seven hundred and twenty persons were brought before the Courts, of whom 21,586 were convicted, 260 committed, and 166 were transferred or died. The cases of 153 remained undisposed of at the end of the year. For the whole province, the percentage of convictions is 64·02. There is still room for improvement. In the Central Provinces in 1878 the percentage was 72.

The average duration in no case exceeded six-and-a-half days, and in some Courts it is a fraction over one day, which is remarkably good if it has been calculated rightly.

4. The subjoined table shows the punishments inflicted by the different magisterial authorities, and the orders passed in their preventive jurisdiction:—

Division.	Name of district.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	Rigorous imprisonment: Two years and under.	Rigorous imprisonment: Over two years.	Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour.
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab ..	8	10	309	8	676	44	14,768 0 0	12,565 7 3	507 0 0	..	17
	Do. town ..	4	1	99	..	995	36	8,208 12 0	5,312 14 0	329 14 0	..	5
	Kyouk-pyoo ..	..	5	292	6	485	72	8,112 4 0	4,888 11 9	926 5 0	16	..
	Sandoway ..	..	4	117	4	136	12	1,527 0 0	1,264 12 6	307 0 0	2	3
	Northern Arakan..	..	..	7	1	44	..	476 0 0	466 0 0	35 0 0	..	..
Pegu.	Hanthawaddy ..	31	11	555	34	1,190	99	32,604 6 0	22,913 11 4	1,011 4 0	..	92
	Thone-gwa ..	4	19	368	26	1,434	43	40,626 12 0	29,926 14 6	1,573 8 0	2	76
	Bassein ..	6	27	534	16	1,681	80	27,428 11 0	18,456 12 3	2,295 0 0	6	22
	Henzada ..	26	13	512	29	1,277	133	20,695 4 6	15,466 0 7	772 0 0	4	33
	Tharrawaddy ..	59	10	405	53	705	120	16,820 1 0	13,191 10 0	2,173 8 0	..	18
	Prome ..	12	11	414	17	1,888	232	40,098 8 0	30,556 7 7	1,350 4 6	8	58
	Tha-yet-myo ..	1	14	251	12	1,245	83	15,908 9 0	13,125 2 9	1,276 12 0	..	15
Tenasserim.	Amherst ..	5	6	272	13	879	22	21,829 0 0	18,354 0 0	1,524 0 0	..	46
	Shway-gyin ..	19	40	278	19	886	42	15,568 6 0	11,489 10 0	1,238 2 0	20	66
	Toungoo! ..	20	7	147	33	412	22	13,776 1 0	4,634 7 8	590 0 0	4	8
	Tavoy ..	4	12	66	..	315	1	4,300 0 0	3,117 8 0	65 13 4	..	4
	Mergui ..	..	2	59	..	164	4	3,292 8 0	2,542 8 0	1,245 8 0	..	..
	Salween ..	..	8	68	..	50	2	1,010 8 0	905 8 0	10 0 0	..	1
	Moulmein ..	5	25	171	..	1,457	18	13,087 0 0	11,190 3 8	547 8 0	7	9
	Total ..	204	225	4,924	271	15,919	1,065	3,00,137 10 6	2,20,368 5 10	17,778 6 10	69	473
	In 1878 ..	205	206	5,348	332	16,015	1,039	3,05,165 3 11	2,26,936 10 6	31,200 1 6	69	533

Of 21,586 persons convicted by the Magistrates, 15,098 (70 per cent.) were punished with fine only. This large proportion of persons punished with fine only shows the petty nature of the majority of the criminal cases that come before the Courts.

There is a decrease in the number of persons punished with rigorous imprisonment, and a slight increase in the number of those sentenced to whipping. The number of sentences of solitary confinement is almost the same. Many Magistrates consider that this is not an effective punishment, as the Burmese do not as a rule feel solitary imprisonment without labour so irksome as ordinary

imprisonment with labour. From inquiries I have made when inspecting jails, I am disposed to agree with them.

Of Rs. 3,00,137 imposed as fines, Rs. 2,20,368, or 73·42 per cent., were realized, a good result, though not quite so good as that of the preceding year. Rs. 17,778, or 5·92 per cent., were awarded as compensation. In the preceding year, the proportion was 10·22 per cent., and in 1877 it was 8·65 per cent. In both these years, however, the amount paid as rewards to informers was included, and in the return for the year under review I directed that awards of compensation made under section 308 Criminal Procedure Code should alone be entered. The result shows therefore a decided improvement on the returns for 1877; but if proper use were made of the provisions of the law, I should expect a much higher percentage. In Bassein and Tha-yet-myo the proportion was 8 per cent. and in Kyouk-pyoo 11 per cent. I am pointing out to the District Magistrates that while an indiscriminate award of compensation should be avoided, still the Courts should make a proper use of section 308, and not neglect its provisions to the extent they appear to do.

The number of persons required to find security for their good behaviour shows a slight decrease, which, considering the decrease in serious offences against property, cannot be regarded as unsatisfactory. In the Arakan division there was a general decrease; but in the other two divisions there was an increase in some districts and a decrease in others.

5. In the subjoined table is shown the number of appeals from Subordinate Magistrates, and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals:—

Division.	Name of district.	Number of persons convicted.	Number of persons who appealed.	Number of persons in whose cases			
				Sentence was confirmed or appeal rejected.	Sentence was modified.		Sentence reversed or proceedings quashed.
					Enhanced.	Reduced.	
Arakan	Akyab	904	38	16	4	10	7
	Kyouk-pyoo	686	57	21	..	26	10
	Sandoway	109	1	1	..	..	....
	Northern Arakan	41	2	1	..	..	1
Pegu.	Hanthawaddy	1,089	41	10	..	8	23
	Thone-gwa	1,542	70	29	..	27	14
	Bassein	1,087	60	30	..	10	17
	Henzada	1,164	32	20	1	4	5
	Tharrawaddy	933	27	14	..	4	8
	Prome	1,220	69	44	..	8	16
	Tha-yet-myo	702	88	18	..	10	60
Tenasserim.	Amherst	444	15	7	1	3	4
	Shway-gyin	997	82	48	3	10	20
	Toungoo	890	32	21	..	5	6
	Tavoy	358	19	11	..	3	5
	Mergui	111	2	2	..	..	..
	Salween	31	....	....	..	..	..
	Total ..	11,758*	630	288	9	128	196
	In 1878 ..	11,857*	571	245	6	91	217

Of 11,758 persons who were sentenced by Subordinate Magistrates only 630 appealed, and of these 324 were more or less successful. The sentences on nine persons were enhanced, and 288 appeals were rejected or dismissed. The pro-

* Persons sentenced by Magistrates from whose sentence no appeals were preferred are not included in this.

portion of sentences modified or reversed to the number of sentences appealed from was thus 52·86 per cent.,—not a good result. This and the result of the cases which have come before me in revision show that the small number of appeals is not owing to the justice or legality of the majority of the sentences passed by the Subordinate Magistrates. I have had cases before me in which the conviction was not only illegal but unjust; and I am disposed to think that one of the principal reasons why there are not more appeals is because the people do not understand the law nor the illegality of sentences passed upon them, and besides are by nature submissive to those placed in authority over them. The fact that in a great number of cases small fines are imposed (10,750 persons were fined in sums not exceeding Rs. 10) also accounts for there being few appeals, and no doubt there are other reasons.

6. The work of the Courts of Session is shown below:—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with Assessors.	Number of cases in which Judge disagreed with Assessors.	Remarks.
Tenasserim, Pegu, Arakan.	Commissioner and Sessions Judge	61	17	39	5	12·21	5	..	24	8	2 died; 2 transferred.
	Commissioner and Sessions Judge	106	20	73	14	72·	9	26	20	26	
	Commissioner and Sessions Judge	59	17	33	10	34·	6	1	18	8	3 died in gaol.
	Judge of Moulmein ..	29	12	17	..	16·	..	..	..	..	
	Judicial Commissioner ..	34	6	22	5*	27·	6	..	12	12	
	Total ..	289	72	184	34	32·61	26	27	74	54	5 died; 2 transferred.
	In 1878 ..	314	109	179	32	31·49	13	3	103	46	1 died (committed suicide in the gaol).

Two hundred and eighty-nine persons were brought to trial before Courts of Session, as compared with 314 in the previous year. Of these, 72 were acquitted, 184 convicted, 5 died in gaol, 2 were transferred, and 26 remained under trial at the close of the year. The percentage of convictions to persons tried was 72·, as compared with 59·67 per cent. last year,—a great improvement. The Commissioner of the Pegu division had the heaviest work. One hundred and six commitments were made to his Court, and of 256 persons tried by all the Courts, he tried 93. This partly accounts for the high average duration of trials in his Court, which however is also accounted for by the long duration of the case of a man who was insane and incapable of making his defence.

The Judicial Commissioner's work as a Court of Sessions was much reduced, as he was relieved of the cases committed from the Bassein and Thone-gwa districts by order of the Chief Commissioner.

In 74 cases the Judge agreed with, and in 54 he disagreed with, the Assessors. In 1878 the proportion of cases in which the Judge disagreed with the Assessors was 31 per cent. This year it is 42 per cent. The Assessors almost always refuse to convict in cases which they think a capital sentence may be passed.

* These were referred to, and confirmed by, the Special Court.

7. The various punishments inflicted by Courts of Session were as follows :—

Division.	Designation of Judge.	Persons sentenced to: Death.	Transportation: For life.	Transportation: For term.	Imprisonment: Rigorous: Over seven years.	Imprisonment: Rigorous: Seven years and under.	Imprisonment: Simple: Over seven years.	Imprisonment: Simple: Seven years and under.	Solitary confinement.	Fine.	Whipping.	Amount of fine: Imposed.	Amount of fine: Realized.	Amount of fine: Awarded as compensation.
												Rs.	Rs. A. P.	Rs.
Arakan..	Commissioner and Sessions Judge ..	5	8	..	4	22	..	..	..	5	..	1,900	291 1 8	..
Pegu ..	Commissioner and Sessions Judge ..	14	14	25	1	19	..	..	2	2	..	150	..	..
Tenasserim.	Commissioner and Sessions Judge ..	10	3	2	5	13	..	..	..	10	..	2,950	178 9 10	2,950
Moulmein.	Sessions Judge, Moulmein ..	..	..	..	3	14	..	..	..	2	..	700	..	..
	Judicial Commissioner, British Burma	5	9	1	2	5	..	..	..	..	..	..	..	..
	Total..	34	34	28	15	73	..	..	2	19	..	5,700	464 11 1	2,950
	In 1878..	32	53	31	9	48	..	5	..	14	..	8,030	3,080	1,500

Thirty-four persons were sentenced to death, 34 to transportation for life, 28 to transportation for a term, and 88 to various terms of imprisonment. Nineteen persons were sentenced to fine, but only Rs. 464-11-1 were realized out of Rs. 5,700 imposed.

8. The result of appeals from Magistrates to Courts of Session was as follows :—

Division.	Name of district.	Number of persons convicted in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Sentences: Enhanced.	Sentences: Reduced.	Number of persons whose sentences were reversed or proceedings quashed.	Remarks.
Arakan	Akyab	65	8	6	..	2	..	
	„ town	110	16	8	..	5	3	
	Northern Arakan	7	1	1	..	..	..	
	Kyouk-pyoo	91	6	2	..	1	2	
	Sandoway	85	6	3	..	1	2	
Pegu.	Hanthawaddy	68	50	27	..	6	16	
	Thone-gwa	280	31	18	1	1	8	
	Bassein	287	74	44	4	11	10	
	Henzada	207	69	51	1	1	14	
	Tharrawaddy	148	9	9	..	..	..	
	Prome	305	85	70	2	..	12	
	Tha-yet-myo	177	60	31	3	10	12	
Tenasserim.	Amherst	172	27	22	..	1	4	
	Shway-gyin	161	31	16	..	2	13	
	Toungoo	126	82	67	..	5	5	
	Tavoy	25	7	5	..	..	1	
	Mergui	49	4	4	..	..	..	
	Salween	20	..	..	..	..	..	
	Moulmein town	74	13	8	..	..	2	
	Total ..	2,512	579*	393	11	46	104†	
	In 1878 ..	2,723	594	393	7	78	73	

* One not appealable is included.
† Two remanded for re-trial are included. Hence the difference between this and statement No. 5.

Of 2,512 persons whose sentences were appealable to the Court of Sessions, 579 appealed, and of these 150 were more or less successful, while the sentences on 11 were enhanced. The proportion of sentences reversed or modified to appeals was 29· per cent.

9. The work of Appellate Courts is shown in the subjoined table :—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry.	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.
Arakan.	Mr. A. O. Brown, Deputy Commissioner, Akyab ..	6	6	..	15·18	..	..
	Major W. C. Plant, ditto, ditto ..	11	11	..	5·2	..	..
	Mr. W. deC. Ireland, ditto, ditto ..	11	10	..	8·6	1	..
	Lieut.-Col. W. W. Pemberton, ditto, Kyouk-pyoo	25	25	..	7·8	..	..
	Colonel C. P. Hildebrand, ditto, Sandoway..	..	..	..	..	..	..
	Major M. C. Poole, ditto, ditto ..	1	1	..	12	..	..
	Mr. G. J. S. Hodgkinson, Commissioner, Arakan ..	28	26	2	10·5	..	..
Pegu.	Mr. W. deC. Ireland, Deputy Commissioner, Hanthawaddy	13	13	..	4	..	..
	Major W. C. Plant, Deputy Commissioner, Hanthawaddy	10	10	..	2	..	..
	Major G. E. Fryer, Deputy Commissioner, Thone-gwa	32	32	1	9	..	..
	Mr. G. L. Weidemann, ditto, ditto ..						
	Major H. R. Spearman, ditto, Bassein	2	2	..	2	..	..
	Colonel W. Munro, ditto, ditto ..	32	30	..	6	2	..
	Mr. G. L. Weidemann, ditto, Henzada	20	18	..	15·42	2	..
	Major H. R. Spearman, ditto, ditto ..						
	Mr. C. J. F. S. Forbes, ditto, Tharrawaddy	16	15	..	6·	1	..
	Mr. W. C. Midwinter, Deputy Commissioner, Tharrawaddy						
	Mr. A. O. Brown, Deputy Commissioner, Prome ..	1	1	..	1·	..	..
	,, A. Hough, ditto, ditto ..	41	40	..	8·8	1	..
	Colonel H. N. Davies, ditto, Tha-yet-myo..	43	43	..	4·	..	..
	,, H. A. Browne, Sessions Judge	274	264	..	11·	10	..
	Major W. C. Plant, Offg. ditto						
	Mr. R. J. Crosthwaite, Officiating Judicial Commissioner, as Sessions Judge	57	54	..	20·7	1	..
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst..	15	15	..	31·	..	..
	Major H. A. Gower, ditto, Shway-gyin	37	35	1	6·	1	..
	,, G. A. Strover, ditto, Toungoo ..	26	26	..	6	..	..
	Colonel E. J. Spilsbury, ditto, Tavoy ..	19	19	..	6	..	..
	Lieut.-Colonel G. E. Fryer, ditto, ditto ..						
	Captain G. Alexander, ditto, ditto ..						
	,, J. Butler, ditto, Mergui ..	2	2	..	2	..	..
	Mr. J. C. Davis, Assistant Commmissioner, Salween	..	..	..	..	..	..
	Colonel A. G. Duff, Sessions Judge	109	105	..	12	4	..
	Mr. D. G. Macleod, ditto, Moulmein ..	5	5	..	12	..	..
	Total ..	836*	808	4*	11·4	23	..
	In 1878 ..	704	664	8	11·5	24	5

Note.—This statement shows the number of appeals, not appellants ; so the figures in this statement cannot correspond with the foregoing statement of appeals, nor with Judicial statement 5.

* Of this, two transferred to the Commissioner of Pegu.

† Of this, one included in column under decided.

The largest number of appeals (264) was tried by the Sessions Judge of Pegu. The Commissioner of Tenasserim disposed of 105, and the Judicial Commissioner (as Sessions Judge) of 54.

The average duration was 11·4 days, as compared with 11·5 in the previous year, and 23 appeals remained undisposed of.

10. In the subjoined table is shown the work of the Court of the Judicial Commissioner as a Court of Appeal:—

Division.	Designation of tribunal and name of Deputy Commissioner or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	Modified		Reversed.	Pending.
					Enhanced.	Reduced.		
Arakan.	Deputy Commissioner, Akyab..	..	..	..	..	..	..	..
	Lieut.-Colonel W. W. Pemberton, Deputy Commissioner, Kyouk-pyoo	1	..	1	..	..	..	..
	Major M. C. Poole, Deputy Commissioner, Sandoway..	3	3	..	..	..	..	..
	Mr. G. J. S. Hodgkinson, Commissioner, Arakan ..	16	16	..	..	..	..	..
Pegu.	Mr. W. deC. Ireland, Deputy Commissioner, Rangoon	11	7	1	1	..	2	..
	Major W. C. Plant, Deputy Commissioner, Rangoon..	2	1	..	..	..	1	..
	Colonel E. J. Spilsbury ditto, Thone-gwa	2	..	..	..	..	2	..
	Mr. G. L. Weldemann, ditto, ditto ..	2	1	..	..	1	..	..
	„ G. D. Burgess, ditto, Bassein ..	2	1	1	..	..	..	..
	Major R. H. Spearman, ditto, ditto ..	3	3	..	..	..	..	..
	Colonel W. Munro, ditto, ditto ..	6	4	..	..	..	..	2
	Mr. G. L. Weldemann, ditto, Henzada ..	7	4	..	..	..	3	..
	Major H. R. Spearman, ditto, ditto ..	17	11	3	..	1	2	..
	Mr. C. J. F. S. Forbes, ditto, Tharrawaddy	26	11	3	..	..	12	..
	„ A. Hough, ditto, Prome ..	4	2	..	..	..	1	1
	Colonel H. N. Davies, ditto, Tha-yet-myo	9	3	5	..	..	..	1
	Major W. C. Plant, Commissioner, Pegu ..	21	13	1	1	6	..	..
	Colonel H. A. Browne, ditto	23	18	3	..	..	..	2
Tenasserim.	Mr. F. S. Copleston, Assistant Commissioner, Thatone	2	..	..	..	..	2	..
	Major C. H. A. Gower, Deputy Commissioner, Shwaygyin	4	1	..	..	1	2	..
	Major G. A. Strover, Deputy Commissioner, Toungoo	22	20	..	..	2	..	..
	Colonel A. G. Duff, Commissioner, Tenasserim ..	14	8	2	1	..	3	..
	Mr. D. G. Macleod, Judge, Moulmein	9	5	4	..	..	..	..
	In 1879 ..	206	132	24	3	11	30	6
	In 1878 ..	226	102	68	1	12	26	16

Two hundred and six persons appealed to the Judicial Commissioner, as compared with 226 in the preceding year. The appeals of 132 were rejected and of 24 dismissed. In three cases the sentence was enhanced, in 11 reduced, and in 30 the conviction was quashed. Six cases were left pending at the close of the year.

The proportion of persons whose sentences were interfered with to those whose appeals were disposed of was 22 per cent.

11. The work of the Judicial Commissioner's Court as a Court of Revision is shown in the next table:—

Division.	Name of district.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
			Confirmed.	Modified		Reversed.		
				Enhanced.	Reduced.			
Arakan.	Akyab	133	71	5	2	31	24	
	Do. town	40	31	..	6	3	..	
	Kyouk-pyoo	152	55	1	30	29	37	
	Sandoway	32	23	..	..	3	6	
	Northern Arakan	1	1	..	..	..	..	
	Commissioner of Arakan	5	4	..	1	..	..	
Pegu.	Hanthawaddy	143	101	2	6	15	19	
	Thone-gwa	52	31	..	2	14	5	4 reported to Government.
	Bassein	193	146	..	8	16	23	
	Henzada	158	109	..	1	23	25	
	Tharrawaddy	124	66	1	4	46	7	
	Prome	100	65	..	12	18	5	1 reported to Government.
	Tha-yet-myo	89	56	2	..	18	13	
	Commissioner of Pegu	10	9	..	..	..	1	
Tenasserim.	Amherst	128	38	..	..	5	85	
	Shway-gyin	23	18	..	2	3	..	
	Toungoo	66	26	1	6	28	5	
	Tavoy	123	24	..	..	61	38	
	Mergui	13	8	..	..	2	3	
	Salween	6	3	..	..	3	..	
	Moulmein town	16	11	..	..	3	2	
	Commissioner of Tenasserim	6	3	..	..	..	3	
	Total	1,613	899	12	80	321	301	5 reported to local Government.
	In 1878	538	254	2	61	184	37	

The number of persons whose cases were called for in revision, or were referred for revision by Sessions Judges and Magistrates of districts, was 1,613, as compared with 538 in the preceding year. The fact that in so large a proportion as 50 per cent. it was thought necessary to interfere in the year 1878 showed that Magistrates should exercise the duty of supervising the decisions of their subordinates much more largely than had hitherto been done, and that more cases should be called for and examined by myself. The cases of 1,312 were disposed of, the sentence being enhanced in 12 cases, reduced in 80, and reversed in 321, thus giving 31 per cent. as the proportion of sentences interfered with to the number disposed of. This percentage is high, especially as I endeavoured to limit my interference to those cases in which I thought it was necessary. Magistrates of districts should, I think, call for and examine a great many more cases than they do. It is important to see that offences against property are adequately punished, habitual offenders severely dealt with, and that the Subordinate Magistrates do not harass the people by misconstructions of the provisions of the Penal Code, especially those relating to public nuisances, to rash or negligent acts and insult. Mr. Hodgkinson, the Sessions Judge of Arakan, has done a great deal of revision work, and done much good in his division, both by instructing Subordinate Magistrates and by inculcating on Magistrates of districts the necessity of passing adequate sentences on habitual offenders.

12. The subjoined table shows the work of the Court of the Judicial Commissioner as a Court of Reference for the confirmation of capital sentences :—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan ..	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge	5	5	..	..	..
Pegu ..	Major W. C. Plant, Commissioner and Sessions Judge ..	6	2	..	4	..
	Colonel H. A. Browne, Commissioner and Sessions Judge.	8	6	..	..	2
Tenasserim ..	Colonel A. G. Duff	10	8	..	2	..
	Mr. D. G. Macleod, Sessions Judge, Moulmein ..	1	..	1	..	..
	Total ..	30	21	1	6	2
	In 1878 ..	20	17	1	..	2

Twenty-nine capital sentences were referred for confirmation to the Judicial Commissioner. Of these, 21 sentences were confirmed, 6 reversed, and 2 cases were left pending.

13. The financial result of the rules regulating the fees chargeable for the service of processes in the renumeration of peons is shown in the following table:—

Division.	Name of district.	Number of process issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
		Rs.	Rs. A. P.	Rs. A. P.
Arakan	Akyab	2,230	1,659 0 0	1,321 14 0
	Do. town	566	444 8 0	460 4 1
	Kyouk-pyoo	1,219	826 0 0	649 12 0
	Sandoway	493	335 8 0	264 0 0
	Northern Arakan	..	....	....
Pegu.	Hanthawaddy	1,781	1,316 0 0	1,387 4 0
	Thone-gwa	1,184	806 8 0	368 0 0
	Pegu	2,196	1,488 8 0	1,164 0 0
	Henzada	1,506	1,168 0 0	588 0 0
	Tharrawaddy	1,267	897 0 0	581 1 0
	Prome	2,883	2,028 0 0	1,328 8 0
	Tha-yet-myo	1,008	750 0 0	264 0 0
Tenasserim.	Amherst	1,749	1,236 8 0	636 0 0
	Shway-gyin	1,295	886 0 0	701 10 9
	Toungoo	1,518	976 8 0	775 0 0
	Tavoy	482	349 8 0	312 0 0
	Mergui	317	287 8 0	132 10 0
	Salween	21	17 0 0	103 12 0
	Moulmein	1,953	1,544 0 0	1,524 0 0
	Total ..	23,618	17,016 0 0	12,561 11 10
	In 1878 ..	25,149	17,810 0 0	11,326 13 0

The receipts for service of processes amounted to Rs. 17,016, as compared with Rs. 17,810 in the preceding year. The expenditure showed an increase of Rs. 1,234-14-10 owing to a necessary increase of the establishment in some places.

R. J. CROSTHWAITE,

Offg. Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

1.—Showing the various Judicial Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1879.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions	Average area of each division in square miles	Average population of each division.	Number of tribunals.	Constitution of tribunals stating number of Judges in each and Jury or Assessors if any.	Judicial powers of each tribunal, original and appellate	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. Europeans. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipt from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue	Appeal.
														Rs. A. P.	Rs A.							
Assistant Magistrate of Kemmendine exercising criminal powers only. Paid.	1	.	.	1	1	Magistrate of 2nd class ...	...	...		..	1	..	4,200	..	335 0	...	253	12	289	...	..	..
Assistant Magistrate of Rangoon exercising criminal powers only. Paid.	1		..	1	1	Magistrate of 1st class and Justice of the Peace.		.	...	1	.	6,000	...	...	537 0	Member of Cantonment Committee, Official Visitor, Central Gaol and Lunatic Asylum.	295	18	1,707	..	.	.
Town Magistrate of Rangoon, exercising criminal powers only. Paid.	1	..	.	1	1	District Magistrate and Justice of the Peace.	.		1	.	...	12,000	..	22,364 0 0	424 0	Collector of Revenue, President of Municipal, Hospital, and Dalhousie Park Committees, official Visitor, Central Goal and Lunatic Asylum, Rangoon	223	18	411	..	...	3

Small Cause Courts confined to proper functions. Second Judge. Paid.	1	...	...	1	1 Judge	Original jurisdiction up to Rs. 500.	...	...	...	...	1	...	6,000	9,185	5	4	9,189	6	...	214	32	...	Reg. 1,587 Misc. 1,005 Total 2,592	...	...
Small Cause Courts confined to proper functions. First Judge. Paid.	1	45	106,644	1	Ditto	Original jurisdiction up to Rs. 1,000.	...	...	...	1	...	12,000	...	18,880	1	10	24,438	7	...	196	16	...	Reg. 2,622 Misc. 2,003 Total 4,825	...	...
						Civil.																			
Recorder of Rangoon exercising original, civil, criminal, admiralty and insolvency jurisdictions.	1	45	...	1	1 Judge and five Jurors.	Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes. Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof. Original jurisdiction up to Rs. 500 Insolvency jurisdiction under the 11th and 12th Vic., cap 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein. Powers of a District Judge. Powers of a District Judge under the Indian Divorce Act throughout British Burma. Powers of a High Court in respect of the Court of Small Causes, Rangoon. *Criminal.* Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon. Criminal appellate jurisdiction. Powers of a High Court for the trial of European British subject throughout British Burma. Powers of a High Court in respect of the Magistrates of the Town of Rangoon.	Barrister of not less than five years' standing.	...	...	1	...	30,000	...	45,079	2	8	48,103	14	One of the Judges of the Special Court.	Every day, Sundays, and authorized holidays excepted.	13	As a Court of Sessions 48 As a High Court . . 9	Regular ... 215 Matrimonial ... 8 Insolvency ... 80 Miscellaneous ... 258 Total ... 631	...	20
Total ..	6	45	106,644	6	6			...	1	3	2	60,000	10,200	95,508	9	10	83,322	11	...	...	109	2,464	7,948	...	23

Abstract.—2 Assistant Magistrates. 1 Magistrate. 2 Judges, Small Cause Courts. 1 Recorder.

B.—JUDICIAL.

2.—(*Criminal.*)—*Statement of offences reported and of persons tried, convicted, and acquitted for each offence in the Town of Rangoon, for the year 1879.*

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS. I.							
OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.							
Relating to coin, stamps, weights, and measures.							
Counterfeiting coin	1	1	...	1	...	...	...
Using as genuine counterfeit stamps, or effacing or altering same	1	1	...	1	...	...	...
Against public justice.							
Omitting to give information of offence, or giving false information	8	10	6	3	...	...	1 committed.
Resisting, obstructing, or omitting to assist public servant	1	3	1	2	...	...	...
Disobedience of lawful order, causing injury	7	14	6	8	...	...	...
Intentional insult or interruption in judicial proceedings	1	2	...	2	...	...	...
Harbouring an offender	1	1	...	1	...	...	...
Escape from lawful custody or transportation	7	9	3	6	...	...	...
Absconding from, avoiding or disobeying summons or notice or order to attend or produce, or refusing to answer or sign	3	3	...	3	...	...	...
By public servants.							
Breach of Police Act by Police Officers	5	6	...	6	...	...	...
Giving false evidence	2	2	...	...	...	1	1 committed.
False charge of offence	5	5	2	2	...	1	...
Frivolous or vexatious complaint	10	10	...	10	...	...	...
Forgery or fraudulently using or possessing forged document	2	3	...	...	...	...	3 committed.
Public nuisances.							
Drunk and disorderly	274	647	6	641	...	...	...
Public nuisances under Penal Code	8	21	4	17	...	...	...
Nuisances under Police or Municipal and Local Acts	129	347	25	322	...	...	...
Creating a disturbance	29	73	17	56	...	...	...
Relating to the public peace.							
Rioting or unlawful assembly	2	17	...	17	...	...	...
Affray	59	249	28	221	...	...	...
Total, Class I.	555	1,424	98	1,319	...	2	5
CLASS II.							
Offences against the person.							
Murder	7	5	...	...	...	...	5 committed.
Attempt to murder	7	7	...	...	...	...	7 do.
Culpable homicide	1	1	...	...	...	...	1 do.
Attempt to commit suicide	3	3	1	1	...	...	1 do.
Causing death by rash act	1	1	...	...	...	...	1 do.
Grievous hurt	15	18	6	11	...	...	1 do.
Hurt	31	40	20	20	...	...	...
Hurt by dangerous weapons	18	22	2	19	...	...	1 committed.
Act dangerous to life or safety	10	34	13	21	...	...	...
Wrongful restraint	4	11	3	8	...	...	...
Assault or use of criminal force	400	598	382	216	...	...	...
Criminal intimidation or insult	95	130	92	38	...	...	...
Causing annoyance in a state of intoxication	3	3	...	3	...	...	...
Kidnapping or abduction	4	4	1	...	...	...	3 committed.
Enticing a married woman with criminal intent	19	21	19	2	...	...	...
Adultery	14	14	10	...	...	...	4 committed.
Assault in order to commit theft	3	3	...	3	...	...	...
Assault to confine a person	1	4	...	4	...	...	...
Defamation	2	2	2	...	...	...	...
Assault to a woman	8	9	8	1	...	...	...
Total, Class II.	655	939	559	356	...	...	24
CLASS III.							
OFFENCES AGAINST PROPERTY.							
With violence.							
Dacoity	1	...	...	...	...	...	...
Robbery with hurt or deadly weapon	1	1	...	1	...	...	...
Robbery	6	10	4	4	...	...	2 committed.
Extortion	1	3	...	3	...	...	...
House-breaking or house-trespass in order to commit theft	40	40	6	18	...	...	16 committed.
House-breaking or house-trespass, with preparation for, or attempt at, hurt	1	1	...	1	...	...	...
House-breaking or lurking	8	8	1	6	...	...	1 committed.
Dishonestly breaking open a closed receptacle	1	1	...	1	...	...	...
Carried over...	59	64	11	34	...	...	19

B.—JUDICIAL.

2.—(*Criminal.*)—*Statement of offences reported, &c.*—(concluded).

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
Brought forward ...	59	64	11	34	...	...	19
Without violence.							
Theft ...	520	329	54	257	1	...	17 committed
Dishonestly receiving stolen property ...	33	52	6	40	...	...	6 do.
Dishonest misappropriation of property ...	12	13	2	11	...	.	...
Criminal breach of trust	18	27	15	10	...	...	2 committed
Cheating	21	25	9	14	...	2	...
Malicious offences.							
Mischief, ordinary	14	19	9	10	...	...	...
Serious mischief by fire	1	1	...	...	...	...	1 committed
Criminal trespass or house-trespass	21	34	15	19	...	...	...
Total, Class III. ...	699	564	121	395	1	2	45 committed
CLASS IV.							
OFFENCES NOT INCLUDED IN ABOVE CLASSES.							
Assault on police officers	6	11	3	8	...	...	...
Maintenance	27	27	21	6	...	...	..
Negligent conduct with respect to animals	1	1	...	1	...	...	.
Vagrancy without ostensible means of livelihood	27	39	10	29	...	..	...
Bound down to keep the peace	47	99	20	79	...	...	..
Criminal breaches of contracts of service	1	1	...	1	...	...	..
Negligent conduct with respect to fire	6	9	2	7	...	...	...
Total, Class IV. ...	115	187	56	131	.	...	...
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.							
Breaches of laws relating to							
Forfeitures of security	2	2	...	2	..	...	...
Excise on spirits and drugs (Abkaree)	43	49	13	36	..	...	...
Customs Act	5	8	...	8	...	...	...
Municipal Rules	107	205	25	180	...	...	..
Act IX. of 1874	1	1	1	...	...	...	...
Gaming and lotteries	45	352	33	319	...	...	...
Act V. of 1861	1	2	.	2	...	...	...
Cattle Trespass Act	1	1	...	1	...		..
Arms Act	7	9	. .	9	...	...	...
Merchant Shipping Act	46	79	21	58	...	...	..
Rash driving	2	2	...	2	...	...	...
Port Rules	3	.3	1	2	...	...	...
Prisons Act	3	3	...	3	.	...	...
Act III. of 1876	1	11	3	8	...	...	...
Cantonment Rules	140	804	54	250	...	...	...
Carriages, carts and boats...	126	237	64	173	. .	...	...
Contagious Disease	98	151	16	135	...	...	...
Railway Act	1	2	...	2	...	...	...
Total ...	632	1,421	231	1,190	...	...	
ABSTRACT.							
Offences under Class I.	555	1,424	98	1,319	...	2	5 committed
Do. do. „ II.	655	930	559	356	...		24 do.
Do. do. „ III.	699	564	121	395	1	2	45 do.
Do. do. „ IV.	115	187	56	131	...	...	. .
Breaches of Special Laws of the province	632	1,421	231	1,190	...	...	...
Total ...	2,656	4,535*	1,065	3,391	1	4	74 committed

* *Note.*—This table excludes cases dealt with by the Recorder.

3.—(Criminal).—Statement showing the general result of Criminal Trials in the Tribunals of various classes in the Town of Rangoon for the year 1879.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year	*Brought to trial during the present year.*				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at the end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Assistant Magistrate, Kemmendine, 2nd class powers	2	329	5	215	...	...	551	69	109	373	..	...	...	5 ¼	324	(a) In two cases—one this year and one of last year—the accused were found insane and incapable of making their defence. The cases were referred to the local Government under section 426 of the Criminal Procedure Code.
Assistant Town Magistrate, 1st class powers	10	2,556	33	676	...	...	3,275	204	490	2,509*	67	1	4	2	2,887	
Senior Town Magistrate, 1st class powers	...	520	7	182	...	...	709	84	109	509†	7	..	...	1 ¾	647	
Total, Magistracy	12	3,405	45	1,073	..	...	4,535	357	708	3,391	74	1	4	3	3,858	(b) The Recorder in this case disagreed with the unanimous verdict of the jury acquitting the accused: it was consequently submitted to the Special Court as a High Court under section 263, Criminal Procedure Code.
Sessions Courts	3	62	...	...	..	...	65	1	21	39	...	...	4a	26	248	
High Court	..	10	...		...	...	10	...	5	4	(1b)	...	...			
Total	15	3,477	45	1,073			4,610	358	734	3,434	75	1	8	..	4,106	

* Inclusive of 17 persons registered as prostitutes under Act XXII. of 1864, and 4 persons ordered to pay maintenance under section 536, Criminal Procedure Code.
† Inclusive of 2 persons ordered to pay maintenance under section 536, Criminal Procedure Code.

4.—(Criminal).—Statement showing the punishments inflicted by various Criminal Tribunals in the Town of Rangoon in the year 1879.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENTS.																				
																FINE.									IMPRISONMENT.											WHIPPED.		
																									15 days.		*6 months.*		*2 years.*		*7 years.*		*Above 7 years.*				
	Death.	TRANSPORTATION. For life.	TRANSPORTATION. For a term.	Penal servitude.	IMPRISONMENT* Rigorous With solitary confinement.	IMPRISONMENT* Rigorous Without solitary confinement.	IMPRISONMENT* Simple.	Forfeiture of property.	FINE With imprisonment.	FINE Without imprisonment.	WHIPPING In addition to other punishment.	WHIPPING In lieu of other punishment.	Surety of the peace.	Recognizance.	Surrender for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																						Rs. A. P.	Rs. A. P.	Rs. A. P.													
Assistant Magistrate, Kemmendine	..	..	...	...	..	89	..	...	2	278	...	4	...	...	...	257	22	1	...	...	...	1,747 0 0	1,468 0 0	45 0 0	2	...	89	...	.	.	...	...	...	...	1	3	...
Assistant Town Magistrate, Rangoon	...	...	...	.	5	350	11	...	24	1,937	8	69	...	60	24	1,697	209	39	16	...	...	22,292 0 0	13,578 0 0	424 0 0	130	11	179	1	77	..	...	...	...	...	26	47	4
Senior Town Magistrate, Rangoon	...	...	...	...	1	57	1	...	3	407	4	10	2	17	5	307	87	8	6	2	.	6,327 0 0	3,494 0 0	8 0 0	3	...	40	1	22	...	...	...	...	...	5	9	...
Total Magistracy ...	..	...	...	...	6	496	12	...	29	2,622	12	83	2	77	29	2,261	318	48	22	2	..	30,366 0 0	18,540 0 0	477 0 0	135	11	308	2	99	...	...	...	...	...	32	59	4
Recorder's Court exercising the powers of a Court of Sessions	3	1	1	...	...	34	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	2	...	30	..	1	...	1	2	...
Recorder's Court exercising the powers of a High Court ...	...	...	...	...	...	1	1	...	..	...	...	.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	1	..	..	1	...	...	...	...	...	...
GRAND TOTAL ...	3	1	1	...	6	53	13	.	29	2,622	15	83	2	77	29	2,261	318	48	22	2	..	30,366 0 0	18,540 0 0	477 0 0	135	11	311	3	101	...	31	...	1	...	33	61	4

* Persons sentenced to fine as well as imprisonment are not shown under this head.

B.—JUDICIAL.

5.—(Criminal.)—Statement showing the results of Appeal and Revision in Criminal Cases in the town of Rangoon during the year 1879.

CLASS OF TRIBUNAL.	Number of appellants or persons applying for revision under section 404, Code of Criminal Procedure.	NUMBER OF PERSONS.								REMARKS.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Senior Town Magistrate	5	...	4	...		1		..	.	
Recorder's Court	52	19	12	5	5		11			
Total .	57	19	16	5	5	1	11	.	.	

11.—Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Town of Rangoon in the year 1879.

CLASS OF COURT IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jurors or Assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note showing in what classes of cases juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judge agreed with Assessors.	Number of cases in which the Judge differed from Assessors.		
Jurors are employed in all criminal trials before the Recorder as a Court of Sessions and as a High Court for the trial of European British subjects.	*Jury of five.*—No prescribed qualifications beyond what is laid down in the Criminal Procedure Code.	47	.....	46	1	.....	.....	Criminal trials.	In eight cases the accused pleaded guilty, and one case was withdrawn by the Government Advocate.
Assessors in civil cases, at the discretion of the Recorder.	*Assessors.*—One or more. No prescribed qualifications.	.....	7	.....	.....	1	.....	References under the Land Acquisition Act.	Six cases were struck off as having been compromised.

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B. JUDICIAL.

1.—Statement showing the various Judicial Tribunals, Original and Appellate, existing in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1879.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. Europeans. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
												Rs.	Rs.	Rs.								
Local and subordinate Magistrates exercising criminal powers only. Unpaid.	2	...	...	2	1 Judge ...	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	...	1	1	...	...	...	Rs. 5,16,700-8-0.	...	...	...	79	...	...	...
Ditto ditto exercising criminal powers only. Paid.	1	...	...	1	1 do. ...	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	1	...	...	1,200	...	1,200		...	...	2	72	...	...	...
Ditto ditto exercising civil and criminal powers only. Paid.	1	...	...	1	1 do. ...	Magistrate of the 1st class under section 20, Act X. of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.	...	...	1	...	...	24,000	...	24,000		Assistant Commissioner.	...	...	133	128	...	...
Ditto ditto exercising civil powers only. Paid.	2	...	...	2	1 do. ...	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under sections 12 and 13 of Act XVII. of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	...	...	...	2	...	4,800	10,398		...	...	11	...	865	...	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	98	...	...	98	1 do. ...	Magistrates of the 2nd and 3rd classes under section 20, Act XVII. of 1875. Civil original jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII. of 1875, with revenue powers under the rules of the province.	...	8	...	4	86	8,200	8,290-10-8	2,18,127		...	... holidays excepted.	93	17,792	13,657	5,065	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	1	...	...	1	1 do. ...	Magistrate of the 3rd class under section 20, Act X. of 1872. Civil original jurisdiction of whatever value or amount under section 2(a) of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200	2,967-1-9		...	...	...	40	62	...	...

Small Cause Courts confined to proper functions. Paid.	13	54,720		1	Both under Act XVII. of 1875. One Judge for both Courts. Jurors employed in Sessions trials.	Civil original jurisdiction in civil suits up to Rs. 1,000, under section 12 of Act XVII. of 1875.	..	..	...	1	..	17,520	..	31,273-2-9	Rs. 5,16,700-8.	Sessions Judge	Sundays and	29	19	2,671 Reg. & 1,401 Mis.		10
Court of the Judge of the Town of Moulmein. Paid.	1			1		Civil original sessions and criminal appeal under Act XVII. of 1875; also powers of a Small Cause Court, with jurisdiction up to Rs. 1,000, under section 12, Act XVII. of 1875.													6		123 Reg. & 341 Mis.	...	
Magistrates of 1st class exercising criminal powers only. Paid.	2	69·5	974,094	2	1 Judge ...	Magistrates of the 1st class under section 20, Act X. of 1872, and Justices of the Peace.	..	1	1	...	...	23,300	...	32,830-10		Presidents of the Municipal Committees.	...	32	2,063	...	...	...
Magistrates of 1st class, exercising criminal, civil, and revenue powers. Paid.	14	..	..	14	1 do. ...	Magistrates of the 1st class under section 20 of Act X. of 1872, and Justices of the Peace. Civil jurisdiction up to Rs. 3,000 under Act XVII. of 1875. Revenue powers under the rules of the province.	..	6	5	3	...	7,400	...	94,638		...	...	24	1,998	2,878	1,069	...
Magistrates of districts, exercising criminal, civil, and revenue powers as also special powers under section 36 of Act X. of 1872. Paid.	17	...	...	17	1 do. ...	Magistrates of the 1st class under section 20 of Act X. of 1872, Civil original jurisdiction in all suits, of whatever value or amount, with appellate civil powers over all Courts of grade (1) and of grade (2), as defined in section 12, Act XVII. of 1875. Revenue, original, and appellate powers as in the revenue rules of the province; also additional powers under section 36 of Act X. of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the Peace. One Judge, Civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V. of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the Courts in his district under section 2(b) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	1	11	5	...	16,850	...	2,01,457-9-7		...	...	54	1,376	1,490	4,285	1,054
Sessions Courts. Paid ...	3	...	...	3	1 do. with Assessors in Sessions trials.	Powers of Court of Sessions under section 15 of Act X. of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief Courts of districts and Magistrates of the 1st class. Powers of a High Court in all civil matters in the Hill district of Arakan.	...	1	2	...	...	32,333-5	...	1,35,970-10-8	...	...	...	11	112	...	121	900 Criml. 87 Rev.
Court of the Judicial Commissioner. Paid.	1	...	...	1	1 Judge ..	Powers of a High Court	..	1	...	...	...	26,400	...	39,504	4,855	...	...	11	24	1	..	*1,272

* Civil 164; Criminal 148; Appeals at Court of Sessions 43; Revisions (Civil) 6; Revisions (Criminal) 911—Total 1,272.

ABSTRACT.

1 Judicial Commissioner.
3 Commissioners.
1 Judge.

13 Deputy Commissioners.
2 Town Magistrates.
27 Assistant Commissioner

2 Assistant Cantonment Magistrates.
103 Extra Assistant Commissioners.
2 Honorary Magistrates.

B.—JUDICIAL.

2.—(Criminal).—Statement of Offences reported and of persons tried, convicted, and acquitted for each offence in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1879.

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS. I.							
OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.							
Relating to coin, stamps, weights and measures.							
Counterfeiting coin	3	5	2	1	...	...	2 committed.
Passing or possessing bad or altered coin	10	12	4	8	...	...	...
Using as genuine counterfeit stamps, or effacing or altering same	2	3	3	...	...	...	...
Making, using, or possessing false weights or measures	7	7	1	6	...	...	...
Against public justice.							
Personating public servant or soldier	10	15	2	13	...	...	...
Concealing design to commit offence	5	6	...	5	1	...	...
Omitting to give information of offence, or giving false information	61	77	21	56	...	...	...
Causing disappearance of evidence	11	20	4	14	...	1	1 committed.
Resisting, obstructing, or omitting to assist public servant	43	80	45	35	...	...	...
Disobedience of lawful order, causing injury	73	366	69	292	4	1	...
Intentional insult or interruption in judicial proceedings	18	27	6	21	...	...	...
Harbouring an offender	8	10	6	4	...	...	...
Taking gift to screen offender	23	28	8	20	...	...	...
Resistance to lawful apprehension and rescue	28	40	13	27	...	...	...
Escape from lawful custody or transportation	74	82	19	62	1	...	...
Absconding from, avoiding, or disobeying summons or notice or order to attend or produce or refusing to answer or sign	80	161	71	108	2	...	...
By public servants.							
Taking valuable things by, or to influence, public servants	72	98	28	65	1	...	4 committed.
Public servant acting illegally to injure any person	1	1	...	1	...	...	...
Do. do. fraudulently defeating punishment or forfeiture	4	5	2	3	...	...	...
Do. do. intentionally omitting to apprehend, or permitting to escape	9	10	3	6	1	...	...
Do. do. negligently suffering escape	27	37	7	30	...	...	...
Breach of Police Act by Police Officers	37	46	7	30	...	...	...
False evidence, &c.							
False evidence, false complaints or claims, and forgery	1	1	1	...	...	...	...
Giving false evidence	29	45	26	12	...	3	4 committed.
Fabricating false evidence	8	12	7	5	...	...	...
Making, issuing, or using false statement or certificate	1	1	...	1	...	...	...
False personation in judicial proceeding	7	11	4	7	...	...	...
Fraudulent claim to, or concealment of, property or suffering of decree	7	13	6	3	...	4	...
False charge of offence	43	49	15	30	1	2	1 committed.
Forgery or fraudulently using or possessing forged document	16	23	13	8	...	...	2 ditto.
Making or using false trade marks	2	3	2	1	...	...	...
Public nuisances.							
Public nuisances under Penal Code	1,372	2,380	656	1,693	18	13	...
Nuisances under Police or Municipal and Local Acts	71	176	16	160	...	...	...
Lottery office	23	55	14	41	...	...	...
Relating to the public peace.							
Rioting or unlawful assembly	163	1,060	365	689	...	6	...
Omitting to inform of or prevent riot	1	3	1	2	...	...	...
Affray	230	1,001	217	838	6	...	...
Offences relating to religion	10	16	9	7	...	...	...
Total, Class I.	2,599	6,065	1,673	4,313	35	30	14 committed.
CLASS II.							
OFFENCES AGAINST THE PERSON							
Causing death by rash act	5	6	2	2	...	...	2 committed.
Murder — by dacoits	4	7	...	...	...	...	7 ditto.
Murder — " robbers	11	13	1	...	1	...	11 ditto.
Murder — Other murders from motives connected with women	2	2	1	...	...	...	1 ditto.
Murder — Other murders from other motives	74	89	19	...	1	3	66 ditto.
Attempt to murder	16	15	5	2	...	...	8 ditto.
Culpable homicide	17	19	5	4	...	...	10 ditto.
Abetment of suicide	4	4	2	1	...	...	1 ditto.
Carried forward	133	155	35	9	2	3	106 committed.

B.—JUDICIAL.

2.—(*Criminal*)—*Statement of offences reported, &c.*—(continued).

DESCRIPTION OF OFFENCE.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
Brought forward ...	133	155	35	0	2	3	106 committed.
OFFENCES AGAINST THE PERSON—(*concluded*).							
Attempt to commit suicide...	20	27	12	15	...	...	...
Exposure of infant or concealment of birth	1	3	3	...	...	...	...
Grevious hurt	104	128	39	72	2	1	14 committed.
Do. on grave and sudden provocation...	6	11	5	5	...	...	1 ditto.
Hurt	992	1,588	629	948	2	9	...
Hurt by dangerous weapons	257	342	117	217	1	...	7 committed.
Administering stupifying drugs	4	4	2	2	...	...	...
Causing hurt to extort property or confession	6	16	13	3	...	...	...
Act dangerous to life or safety	117	233	111	120	1	1	...
Wrongful restraint	36	87	30	56	...	1	...
Ditto, confinement	19	28	12	16	..	...	...
Ditto, ditto, to extort property or confession	3	4	1	3	...	...	...
Assault or use of criminal force	2,111	3,084	1,814	1,241	7	22	...
Criminal intimidation or insult	1,091	1,334	794	520	...	11	..
Causing annoyance in state of intoxication	46	61	6	55	...	...	...
Unlawful compulsion of labour	1	1	1	...	...	...	...
Buying or disposing of any person as a slave	2	2	2	...	...	...	...
Kidnapping or abduction	26	35	24	11	...	...	...
Abducting a woman to compel marriage or for defilement ..	2	2	2	...	...	...	..
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution	5	8	3	2	...	...	... 3 committed.
Enticing a married woman with criminal intent	13	21	16	4	...	1	...
Adultery	63	61	53	3	2	2	1 committed.
Rape	37	45	30	10	...	...	5 ditto.
Unnatural offences	5	6	4	2	...	...	...
Defamation	47	77	63	12	...	2	..
Total, Class II. ...	5,153	7,369	3,821	3,335	17	53	137 committed.
CLASS III.							
OFFENCES AGAINST PROPERTY.							
With violence.							
Dacoity	31	137	30	60	2	...	45 committed.
Preparation or assembly for dacoity	3	5	4	1	...	...	..
Robbery with hurt or deadly weapon...	11	14	6	5	...	...	3 committed.
Robbery...	82	111	24	59	3	4	21 ditto.
Extortion	51	111	62	46	...	3	..
House-breaking or house-trespass, in order to commit theft ...	295	272	103	155	3	1	10 committed.
House-breaking or house-trespass, in order to commit an offence other than theft	46	50	15	42	...	...	... 2 committed.
House-breaking or house-trespass with preparation for, or attempt at, hurt	10	13	4	7	...	...	... 2 committed.
House-breaking or lurking house-trespass	62	64	29	35	...	...	...
House-trespass	23	27	10	17	...	...	...
Fraudulent removal or concealment of property (424)	1	1	1	...	...	...	.
Without violence.							
Theft ... {of cattle	698	407	183	280	1	3	..
{ordinary	6,563	5,275	1,769	3,463	13	14	16 committed.
Dishonestly receiving stolen property	562	841	299	532	3	3	4 ditto.
Dishonest misappropriation of property	195	263	95	163	1	4	.
Criminal breach of trust	187	265	86	116	1	...	2 committed.
Cheating	121	163	86	69	5	3	...
Theft with causing hurt	3	6	1	4	1	...	...
Malicious offences.							
Mischief, ordinary...	344	629	407	218	3	1	.
Do. by poisoning or killing cattle	100	111	75	35	...	1	.
Do. by destroying landmarks	1	2	1	1	...	...	..
Serious mischief by fire	38	30	15	10	1	...	4 committed.
Criminal trespass or house-trespass	620	1,004	628	365	1	10	..
Breaking closed receptacle	2	2	...	2	...	...	...
Total, Class III. ...	10,039	9,812	3,933	5,685	38	47	109 committed.

2.—(Criminal).—Statement of offences reported, &c.—(concluded).

Description of offence.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Remarks.
CLASS IV.							
Offences not included in the preceding Classes.							
Attempt to commit offences punishable to transportation or imprisonment	4	4	1	3	...	...	...
Vagrancy without ostensible means of livelihood	21	34	16	18	...	...	...
Bad habit and repute	...	...	...	473	...	...	...
Criminal breaches of contracts of service	4	21	18	3	...	...	...
Total, Class IV. ...	29	59	35	497	...	...	...
Breaches of special laws for the protection of the revenue or on other subjects, the Acts being specified.							
Breaches of laws relating to							
Excise on Spirits and Drugs (Abkaree)...	1,123	1,434	316	1,104	5	9	...
Customs Act	21	24	9	15	...	...	...
Post Office Act	1	1	...	1	...	...	..
Gaols	18	17	4	13	...	...	...
Forests	147	196	46	131	10	9	...
Gaming and Lotteries	665	3,142	684	2,401	56	1	...
Cattle-trespass Act	80	116	59	57	...	...	...
Possession of Arms	17	26	11	14	1	...	..
Merchant Shipping Act	39	115	9	106	...	...	...
Revenuue Rules	4	4	...	4	...	...	...
Police Act	1,004	1,527	180	1,347	...	...	...
Cantonment Rules	91	170	3	167	...	...	...
Carriages, Carts and Boats	56	120	33	87	...	...	..
Contagious Disease	80	89	31	58	...	...	...
Nuisance under Police or Municipal and Local Act	1,029	2,206	399	1,807	...	...	...
Contract Act	24	18	8	10	...	...	...
Opium Act	222	258	65	190	1	2	...
Arakan Hills Regulation	10	13	5	8	...	...	...
Civil Procedure Code, section 651	2	2	...	2	...	...	...
Fishery	63	201	135	151	3	2	...
Stamp Act	6	8	2	6	...	...	...
Embankment Act...	106	363	57	306	...	...	...
Civil case, section 562	1	8	3	5	...	...	...
Ferry Rules	2	2	1	1	...	...	...
Prisons Act	1	1	1	...	...	...	...
Mutiny Act	1	1	...	1	...	...	...
Railway Act	80	177	32	145	...	...	...
Procedure to compel payment of penalty by sureties	1	2	...	2	...	...	...
Total ...	4,804	10,421	2,093	8,229	76	23	...
ABSTRACT.							
Offences under Class I.	2,599	6,065	1,673	4,313	35	30	14 committed.
Do do. II.	5,153	7,363	3,821	3,335	17	53	137 ditto.
Do III.	10,039	9,812	3,933	5,685	38	49	109 ditto.
Do IV.	29	59	35	497	...	...	...
Breaches of Special Laws of the province	4,804	10,421	2,093	8,229	76	23	...
Total ...	22,714	33,720	11,555	22,059	166	153	*260 commtd.

Note.—This table excludes cases dealt with by the Judicial Commissioner.

*Includes one under reference.

B.—Judicial.

3.—(Criminal).—Statement showing the general result of Criminal Trials in the Tribunals of various classes in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1879.

Class of tribunal	Number of persons dealt with.							Persons disposed of.								Remarks
	Remaining at end of last year.	Brought to trial during present year				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Unpaid Magistrates	5	.		82	..	.. .	87	4	12	53	... .	10	8	..	55	
Local and subordinate paid Magistrates	36*	12,328	973	6,225	7	234	19,861	2,966	4,542	12,103	50	117	83		40,738	* Includes one person, pending from 1877, sent up to Deputy Commissioner of Sandoway for higher punishment.
Full power Magistrates exercising jurisdiction throughout the district	66	6,509	467	2,761	13	75	9,891	1,279	1,682	6,735	136†	24	35	.. ...	17,431	† One committal not communicated to Sessions Court till after the close of the year.
Chief Magistrates of districts ...	45	2,633	130	370	25	678	3,881	523	547	2,695	74	15	27	. ....	8,658	
Total Magistracy ...	211	21,470	1,570	9,438	45	987	33,720	4,772	6,783	21,586‡	260	166	153	3·43	66,882	
Sessions Courts ...	3	60	. ..	. .	.	192	255	. ..	66	162	... ..	. 7	20	33·66	1,127	
High Court	1	. .	. ...	. .	. ...	33	34	..	6	22	. ..		6	27	145	
Grand Total ..	215	21,530	1,570	9,438	45	1,212	34,009	4,772	6,855	21,770	260	173	179	33·24	68,154	

‡ Exclusive of 473 persons convicted of bad livelihood.

4.—(Criminal.)—Statement showing the punishments inflicted by the various Criminal Tribunals in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENTS.																							
		TRANSPORTATION			IMPRISONMENT				FINE		WHIPPING					FINE.								IMPRISONMENT.												WHIPPED.		
					Rigorous.																			15 days.		6 months.		2 years.		7 years.		Above 7 years.						
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of composition.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																					Rs. A. P.	Rs. A. P.	Rs. A. P.														
Unpaid Magistrates ..	...	...	...	...	...	...	3	12	...	50	..	...	..	...	...	28	22	..	...	...	..	904 0 0	904 0 0	.. ...	...	3	...	...	...	...	...	...	...	...	...	...	...	...
Local and subordinate paid Magistrates	...	...	...	...	24	2,460	97	...	426	9,153	77	511	25	5	77	6,127	3,092	250	109	1	...	1,62,345 1 6	1,31,988 12 11	10,890 4 4	339	26	2,106	71	39	...	...	...	...	...	195	310	83
Full power Magistrates of general jurisdiction ...	...	...	...	...	44	1,036	41	...	193	3,443	65	202	8	2	165	2,621	722	176	115	2	...	75,578 1 0	53,455 10 1	3,707 4 6	101	23	512	16	463	2	4	...	...	...	71	111	85
Chief Magistrates of districts ...	...	...	...	...	136	1,495	84	9	202	2,452	39	171	36	11	231	1,974	460	122	90	6	2	61,310 8 0	34,019 14 10	3,250 14 0	105	36	587	46	671	2	268	...	...	...	31	93	86
Total Magistracy ...	...	...	...	...	204	4,991	225	21	821	15,098	181	884	69	18	473	10,750	4,296	548	314	9	2	3,00,137 10 6	2,20,368 5 10	17,778 6 10	545	88	3,205	133	1,173	4	272	...	...	...	297	514	254
Sessions Judges	29	25	27	...	2	79	...	..	19	...	...	...	...	...	...	...	1	1	15	2	.	5,700 0 0	464 11 1	173 9 10	...	...	10	...	12	...	46	...	13	...	...	...	...
Judicial Commissioner ...	5	9	1	...	...	7	...	.	...	...	...	...	.	...	...	...	...	...	...	...	...	.....	. ...	.. ...	...	...	3	...	1	...	1	...	2	...	...	...	...
GRAND TOTAL ...	34	34	28	...	206	5,077	225	21	840	15,098	181	884	69	18	473	10,750	4,297	549	329	11	2	3,05,837 10 6	2,20,833 0 11	17,952 0 8	545	88	3,218	133	1,186	4	319	...	15	...	297	514	254

5.—(Criminal.)—Statement showing the results of Appeal and Revision in Criminal Cases in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1879.

CLASS OF TRIBUNAL.	Number of appellants or persons applying for revision under section 404, Code of Criminal Procedure	NUMBER OF PERSONS								REMARKS
		Appeals or applications rejected	Sentences confirmed.	Sentences modified	Sentences reversed	Proceedings quashed	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending	
1	2	3	4	5	6	7	8	9	10	11
MAGISTRATE OF DISTRICT — Appeals from unpaid Magistrates	..		...	.				.	.	
MAGISTRATE OF DISTRICT — Appeals from paid Magistrates	630	13	275	137	184	12	1	.	8	
SESSIONS COURT — Appeals from unpaid Magistrates	..	...	.			..	..		.	
SESSIONS COURT — Appeals from paid Magistrates	529	70	295	51	85	1	5	5*	17	* Two transferred to Judicial Commissioner's Court. Two referred ditto ditto.
Judicial Commissioner as Court of Sessions	50	13	14	6	16	.	...	.	1	
DITTO AS HIGH COURT — Appeals	206	132	24	14	30	..	...	.	6	
DITTO AS HIGH COURT — Revisions	1,613	9	890	92	321		.	...	301	Five reported to local Government.
Total	3,028	237	1,498	300	636	13	6	5	333	

11.—Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

CLASSES OF COURT IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS	Established or average number of Jury or Assessors in each case, and prescribed qualification	Number of cases tried by jury	Number of cases with Assessors	JURY TRIALS		ASSESSORS' TRIALS.		Note showing in what classes of cases Juries and Assessors have been principally employed	REMARKS
				Cases in which the Judge approved of the verdict	Cases in which the Judge did not approve of the verdict	Number of cases in which Judges agreed with Assessors	Number of cases in which the Judge differed from Assessors		
Sessions Court, Arakan	2	.	32			24	8	Assessors and Jurors principally employed	
Ditto, Pegu	2		47			20	26		In one case the Judge agreed with one Assessor, but differed from the other
Ditto, Tenasserim .	3		26			18	8		
Judges Court, Moulmein (Criminal)	5	19		19					
Judicial Commissioners' Court as Court of Sessions	3	.	25		.	12	12		In one case Assessors were not called upon to give their opinion, as the prisoner was convicted at his own confession
Total	15		130	19		74	54		

APPENDIX.

ERRATA.

Page 17.—The number of persons brought to trial before the Sessions Courts is stated as 289; in *Statement 2*, page xvi., the number committed is stated as 260; the number pending at the close of 1878 was 18. The figures are inconsistent.

Page xii., *Statement 1.*—In the third entry, the annual pay of an Assistant Commissioner is stated at Rs. 24,000. There appears to be some mistake in this.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1880.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1881.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

RITISH BURMA

For the year 1880.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 93C., dated the 15th July 1881.

READ—

The Recorder's and Judicial Commissioner's reports on the administration of criminal justice in British Burma for the year 1880.

Constitution of the Courts.

RESOLUTION.—The constitution of the criminal Courts of the province remained unchanged during the year, save that in Rangoon town an Additional Recorder was appointed for a few weeks to try certain cases which, for special reasons, the Recorder himself was unable to try. Mr. Wilkinson held the office of Recorder and Mr. Crosthwaite that of Judicial Commissioner during the whole of the year 1880. The Judicial Commissioner's report has, however, been drawn up by Mr. Jardine, who returned to his office at the beginning of the present year. Mr. Wilkinson's weighty remarks regarding the need for reform in the judicial system of Rangoon will be laid before the Government of India. Whether a High Court is immediately established in Burma or not, the Chief Commissioner fully agrees in the learned Recorder's view regarding the unsuitability of the system whereby an appeal from one Judge lies to a Court of two Judges, one of whom is the very Judge against whose decision appeal is preferred. The anomalous constitution of the Special Court is, as remarked by Mr. Wilkinson, particularly felt when the Recorder disagrees with the verdict of a jury and refers the disagreement to the Special Court. Personally Mr. Bernard would prefer to return to the old rule, whereby a verdict of acquittal by the majority of a jury was final. He believes it to be better for the country and for the people that juries should bear and should feel the whole responsibility of their verdicts. The contrary view is that an exotic institution like trial by jury should at the outset be hedged round with certain restrictions when planted in a new country. This latter opinion has the support of high authority and of ripe experience: clause 5 of section 263 of the Criminal Procedure Code was not enacted by the Legislature without full and careful consideration. If that provision of the law is found to be beneficial over the rest of the empire, we can hardly seek to have it altered for the town of Rangoon alone. It is worthy of note that the Legislature does not lay upon a Judge the obligation to submit to the High Court every verdict with which he may not agree. The law says the Judge *may* make such reference, if he considers it necessary so to do.

Composition of juries in Native cases.

2. There is another point connected with trials by jury in this province which appears to merit the careful consideration of the Judges. Certain Moulmein cases came before the Chief Commissioner last year in which Burmans or Natives of India had been condemned by juries consisting entirely of Europeans or Eurasians. It was explained that the practice of the Moulmein Judge's Court required that nobody should be a juror who did not understand English, in which language proceedings are conducted, and into which language the evidence of Native witnesses is translated. On a reference to the learned Recorder, it appeared that a similar practice prevailed in empanelling juries for his Court. No doubt in such cases the law as laid down in section 241 of the Criminal Procedure Code was observed, and one-half of the juries were Eurasians. But the principle which lies at the bottom of trial by jury is that a man's guilt or innocence should be judged by a jury of his peers; and this principle no doubt guided the Legislature to enacting sections 241-242 of the Code. But it seems most desirable the Courts should, wherever possible, act fully up to the intention of the law, and should have a proportion of Burman jurors to try Burmans, and of Madrasi jurors to try Madrasis. Some of the jurors would then understand the evidence of the witnesses as it was given; and they would, moreover, be able to appreciate more fully the view taken by their fellow-countrymen and co-religionists who might appear for the prosecution or the defence.

Total reported offences.

3. The total number of reported* offences was 26,068 in the year 1880, as against 25,370 in the preceding year. Some analysis of the crime of the year was made in reviewing the police report of the year; and it is unnecessary to go over that ground again. Briefly there was an increase in the number of murders, dacoities, robberies, and cases of culpable homicide or grievous hurt; while there was a large decrease in the number of cases of house-breaking, theft, and cattle-theft. The largest increase in the number of reported offences occurred in the town of Rangoon, where 3,972 cases were reported in 1880, as compared with 2,656 in 1879. This great increase, however, was mainly under various petty offences. The activity of complainants or of the police in Rangoon town appears to vary considerably from year to year; but in the long run the number of these petty offences does not greatly increase. Thus, for the last six years, the petty cases in Rangoon have been :—

	1875.	1876.	1877.	1878.	1879.	1880.
Assault	568	514	560	456	400	675
Insult or intimidation	88	87	85	86	95	171
Creating a disturbance	144	291	268	184	29	856
Nuisances under the Police Act ...	289	90	144	189	129	449
Breach of local rules	718	1,318	971	847	632	716
Being drunk and disorderly ...	311	425	328	362	274	315
Total ...	2,118	2,725	2,356	2,074	1,559	2,682

From these figures it would seem that the Magistrate of the Rangoon district might very properly instruct the police to be less active in instituting prosecutions

* It is not quite clear how this number has been obtained for some districts, or how many reports of offences are struck off and omitted from the returns as "false." Neither the police nor the magisterial returns throw light on this point; and further enquiry is being made.

under the nuisance law and in bringing up as creators of disturbance persons who take part in processions or have evening parties.

4. Mr. Bernard shares the Judicial Commissioner's satisfaction at the decrease which has taken place, outside Rangoon, in prosecutions for nuisances. Sanitary regulations must be observed, the cleanliness of towns must be secured, and public roads must be kept free from obstructions. Magistrates and Municipal authorities must strive to get the people to work with them for the attainment of these excellent ends. But constant police prosecutions often set the people against improvements of this kind. Now that benches of Honorary Magistrates have been established in every municipal town, and that all nuisance cases will go before such benches, it may be hoped that convictions and fines in such cases will be proportioned to local needs and to the means of the people. In the Vaccination Act of 1880 the Legislature have set us the example of requiring that in the case of offences against sanitary laws, the advantage of which the mass of the people do not appreciate, prosecutions must be laid before Honorary Native Magistrates, who may be supposed to understand and make allowance for popular sentiment.

Prosecutions for local nuisances.

5. It is hoped that the Magistrates and the police will profit by the Judicial Commissioner's vigorous exposition of the way in which the Gambling Act has been sometimes worked to the unjust harassment of the people and to the unlawful advantage of individual policemen. With reference to the Judicial Commissioner's remarks concerning the payment of large rewards to the police in gambling cases, such directions as have been issued by the Chief Commissioner under section 17 of the Gambling Act will be reconsidered. It may, however, be observed that the majority of Magistrates take a different view of the effects of gambling on the Burmese to that put forward by Colonel Plant. Mr. Hough, of Prome, gives in his report a list of 44 cases of hurt, robbery, and assault, which arose out of quarrels over gambling. There can be no doubt but that the Burmese elders in towns and villages regard gambling as, next to opium-eating, the crying evil of the present day. Every one has heard what evils have been recently wrought by public gambling in the neighbouring kingdom of Ava. In the Straits Settlements, where Chinese immigrants spread gambling facilities just as they do in Burma, the Legislature have passed a stringent ordinance against gambling; and the Colonial Secretary recently informed the Chief Commissioner that the ordinance had done much good among the Singapore population. Colonel Horace Browne, supported by many experienced officers, submitted a draft Bill, something like the Straits' ordinance, and advised that the Legislature should be moved to pass such a Bill. Mr. Bernard was unwilling to propose legislation of this kind, creating fresh offences and putting fresh powers into the hands of the police. The police have already on their hands as much duty and responsibility as they can properly discharge. We are already exerting ourselves to put down illicit traffic in opium; such exertions involve a certain amount of harassment to the people; and it seemed unadvisable to undertake at the same time an active campaign against gambling all over the country. At the same time it is probable that if the respectable section of the Burmese population could legislate for themselves, they would pass for Burma as strict an ordinance as is now in force in the Straits Settlements.

Gambling law in Burma; popular feeling on the subject.

Work of the Special Court.

6. Before the Special Court there came during the year 45 appeals and 11 references. In one case the Special Court changed a sentence of death into a sentence of transportation for life. In one case the two Judges of the Special Court did not agree, and so the case was referred to the High Court. In all the other cases the Special Court upheld the finding of the Court below. Out of the 56 cases 32 arose because the Judicial Commissioner was temporarily discharging the duties of Sessions Judge. Henceforward the Judicial Commissioner will be able to give his whole time to his duties as a High Court; and no appeals or references under section 287 of the Code will lie to the Special Court.

Recorder's Court.

7. Sixty-eight sessions cases were tried by the Recorder, as compared with 56 in the preceding year and with 69 in 1878. Six cases were pending at the close of the year. Sixty-two appeals came before the Recorder during the year, of which one was pending on the 31st December. Eighteen cases from the Assistant Magistrate's Court were called for and examined by the Recorder.

Rangoon Magistrate's Court.

8. The number of reported offences in Rangoon town rose from 2,656 in the preceding year to 3,972 in the year 1880. In the year 1878 the number was 3,453. The proportion of convictions to persons arraigned in non-bailable cases, that is, in the case of serious offences, was 75 per cent., as against 70 per cent. in the preceding year. The number of whippings increased from 95 to 247. With offenders of certain classes, and especially with boy offenders, whipping is, the Chief Commissioner believes, a suitable punishment. But a contrary opinion is held by authorities entitled to respect; and the learned Recorder reported in February last that whipping, as inflicted within his knowledge was at times a cruel, if not unfit, punishment for Indian offenders. The Chief Commissioner would be glad if enquiry could be made into this large increase in the number of whippings adjudged by the Magistrates subordinate to the Recorder and into the manner in which the punishment was inflicted. The average of the fines imposed by the Rangoon Magistrates was about Rs. 9, and 74 per cent. of the fines inflicted were realized. This is satisfactory as showing that the fines were not unduly heavy. The Chief Commissioner has read with satisfaction the Recorder's opinion that the heavy magisterial work of Rangoon was performed efficiently and carefully by the Assistant Magistrate, Mr. Snow. He agrees in the view that the District Magistrate of Rangoon had better be called upon to perform a part at any rate of the more important magisterial work of the town. At the same time it should be observed that the arrangement whereby the Deputy Commissioner takes few or no magisterial cases was sanctioned some time ago by the local Government. It is anticipated that the bench of Honorary Magistrates will in a short time be able to relieve the stipendiary Magistrates of most of the trials for nuisances, assaults, and such like petty offences.

Judicial Commissioner's Court.

9. Besides trying 79 persons as a Court of Session, the Judicial Commissioner heard 287 appeals, as compared with 200 in the preceding year. He considered 1,320 cases sitting as a Court of superintendence and revision. In the 1,607 cases that thus came before him the Judicial Commissioner reduced the sentences in 51 cases, enhanced them in 32 cases, reversed the conviction in 307 cases, and left 1,217

cases untouched. The proportion of cases with which the Judicial Commissioner had thus to interfere was 24 per cent.; in the year 1879 the proportion was 31 per cent.; and in 1878 it was 50 per cent. The Judicial Commissioner has visited and inspected as many of the subordinate Courts as the pressure of other duties permitted; and on such occasions he has pointed out to Magistrates their mistakes, leaving in each case a memorandum. In the present condition of local Courts and local Magistrates in Burma, and while there is comparatively so little appealing, the inspection and revision work performed by the Judicial Commissioner is of the utmost use in bringing the subordinates in the interior up to a higher standard of efficiency. It is satisfactory that the Judicial Commissioner is able to report that the administration of justice is improving. But there is still room for more improvement in the judicial education of our Magistrates, in the control and supervision of their work, in the magisterial direction of police operations, and in such minor matters as the provision of translations of the Acts and laws which every Burman Magistrate has to administer. To all these affairs the Judicial Commissioner is giving attention, the results of which are gradually becoming apparent.

Sessions Courts.

10. The numbers of cases and persons brought before the Courts of Session were 155 and 362 respectively, as compared with 128 and 289 in the preceding year. Only 14 persons remained under trial at the close of the year. The proportion of convictions was 59 per cent., which compares unfavourably with the proportion, 72 per cent., attained in the previous year. In 1878 the proportion of convictions before Sessions Courts had been 59 per cent. The proportion of cases in which the Judge disagrees with the assessors varies strangely in the different Courts. In the Pegu Court the Judge rejected the finding of his assessors in 62 per cent. of his cases. In other Sessions Courts the percentage of such rejections ranged from 41 per cent. in the Judicial Commissioner's Court to 23 per cent. in the Arakan Sessions Court. It seems that in the two previous years the percentage of dissents had been similarly high in the Pegu Court. The results of the present year will show whether a change in the presiding officer has brought any reduction in the large proportion of disagreements between the two constituent parts of the Pegu Sessions Court. Five hundred and ninety-seven persons appealed from the sentences of first class Magistrates to the Sessions Judge. In 170 cases, or 28 per cent. of the appeals, the sentences were reduced or reversed. Only 10 appeals to the Sessions Courts were pending at the end of the year. It does not appear from the Commissioners' reports whether they have sent for and scrutinised a certain number of cases from each Subordinate Magistrate's Court in their divisions. It is desirable that they should do this as well as inspect the Courts and offices annually.

Courts of Chief Magistrates of districts.

11. The Chief Magistrates of districts held trials of 5,858 persons, of whom 4,055, or 69 per cent., were convicted or committed and 36 were under trial at the end of the year. It is very desirable that a certain number of original criminal cases should be tried by the Chief Magistrates of districts over and above the cases they may take up under section 36 of the Code, though the number of such trials must vary with the pressure of other work on the Magistrates. The number of persons tried by Chief Magistrates in 1880 was 51 per cent. higher than in the

preceding year. The number of persons who appealed to the District Magistrates was 517, as against 630 in the previous year. In the cases of 278 persons, or 54 per cent. of the appellants, the sentences of the lower Courts were modified or reversed. Some District Magistrates have carefully discharged the duty of supervising and controlling the Courts subordinate to them. The Judicial Commissioner has commended Mr. Hough's proceedings in this respect. This officer sent for and scrutinised 289 cases tried by Magistrates under his supervision; he inspected the township offices and registers at different times of the year, besides trying 337 persons himself.

Other magisterial Courts in the interior.

12. Before the Subordinate Magistracy 26,574 persons came for trial, of whom 16,246, or 61 per cent., were convicted. The average duration of trials in all magisterial Courts was 4·33 days, which is moderate: 228 persons were pending trial before the Subordinate Magistracy at the close of the year; so it would appear that the public are not harassed by undue prolongation of criminal trials.

Sentences of imprisonment.

13. There were six thousand two hundred and forty-six persons sentenced during the year to imprisonment, of whom all but 207 were punished with rigorous imprisonment. Consequent on the instructions and precedents given by the higher Courts, there has been some increase in the number of sentences for long terms, thus:—

	Sentences to imprisonment for terms of				Total number of sentences of imprisonment.	Sentences of	
	Six months and under.	Six months to two years.	Two years to seven years.	Above seven years.		Transportation.	Death.
1877 ...	5,069	1,409	311	11	6,800	58	32
1878 ...	5,050	1,276	387	14	6,727	96	35
1879 ...	4,444	1,291	350	16	6,101	64	37
1880 ...	4,541	1,286	386	36	6,249	59	49

The increase in heavy sentences has not been so great as to give rise to any apprehension that undue severity has been exercised. For the most part the additional heavy sentences have been inflicted on habitual offenders or persons who commit grievous hurt. The Judicial Commissioner anticipates that these sentences will have a good effect on habitual criminals, and may act as a deterrent against crimes of violence.

Sentences of whipping.

14. The number of sentences of whipping inflicted by Magistrates were:—

	1877.	1878.	1879.	1880.
In Rangoon town	205	195	98	247
„ British Burma, outside Rangoon town	1,097	1,039	1,065	1,009
Total ...	2,302	1,234	1,163	1,256

In 1,031, or 82 per cent. of the cases of 1880, whipping was inflicted in place of other punishment, and so the offenders escaped jail altogether. In about one-fourth of the cases the number of stripes is less than 10; in about one-half the number of stripes is between 10 and 20; and in about one-fourth of the cases the number of stripes ranges from 20 to 30. These cases of whipping are over and above the whippings inflicted for breaches of jail discipline. A reference was

made by the Supreme Government during the year on the subject of the use or abuse of the punishment of whipping. After consulting selected officers, reply was submitted to the following effect :—

"The Chief Commissioner is decidedly of opinion that the punishment of whipping ought to be kept upon the Indian statute-book, and that it would be a great mistake to abolish it altogether. He believes that the punishment, though much disliked by the sufferers and considered to be degrading, is not contrary to the general sense of the people; it is his impression that the punishment is employed in the best-governed Native States; and he has known it awarded with advantage by Honorary Magistrates and Benches of Honorary Magistrates. At the same time Mr. Bernard thinks that this punishment should be confined to offences of which Natives of India admit and feel the moral turpitude."

This opinion was in accordance with the views of all the officers who were consulted except the Recorder, who advised that whipping "as regards adult "criminals * * * * should rather be awardable in cases of violence "against the person than against property, reserving it, in the latter case, for "offenders whose mode of life shows that they are incorrigibly bad."

Sentences of fine.

15. The remarks made by the Judicial Commissioner and the Recorder concerning the necessity for proportioning fines to the means of offenders have had some effect: 20,248 persons in all were sentenced to fines aggregating Rs. 3,52,000, of which sum Rs. 2,50,305, or 71 per cent., was realised. The average fine was Rs. 17 over the whole province. Mr. Hough, who has in his report gone fully into the matter, considers that Rs. 18, which is the average fine in the Prome district, is too high, seeing that it exceeds one month's earnings of the classes who usually come into the Courts. It seems as if the Subordinate Magistrates, that is to say, the township officers, obeyed the Judicial Commissioner's instructions and understood the capabilities of the people better than the Superior Magistrates. The average of fines inflicted by Subordinate Magistrates was Rs. 15, and out of the fines imposed by them 81 per cent. was paid. The average of fines imposed by full-power Magistrates, other than Deputy Commissioners, was Rs. 28; and out of their fines only 64 per cent. was realised. But in some districts the difference between the results of fines imposed by the two classes of officers is far greater. For instance, in the Hanthawaddy district, fines to the amount of Rs. 21,342 were imposed by Assistant Commissioners, out of which only Rs. 8,779, or 45 per cent., were realised. The fines inflicted by Extra Assistant Commissioners aggregated Rs. 11,253, out of which Rs. 9,675, or 78 per cent., were realised. In some of the Superior Magistrates' Courts of the Hanthawaddy district the average fine exceeded Rs. 80 and Rs. 100 apiece. In one of these Courts, that of Mr. Batten, only 20 per cent. of the fines were paid. No doubt heavy fines in opium and excise cases contribute to raise the average of fine in some Courts. But these heavy fines are not always paid, and in such cases the object of the Magistrate is defeated. The late Judicial Commissioner, Mr. Crosthwaite, enquired closely into the somewhat remarkable circumstance that fines, apparently very heavy for the means of the offender, were often paid without appeal; and he satisfied himself that in some cases Burman families were absolutely ruined by the heavy fines which they had paid, rather than let a member incur the penalty of imprisonment. The cases of habitual smugglers, who make for themselves or their employers large gains by defrauding the revenue, are special; but in ordi-

nary cases the repeated injunction of the Judicial Commissioner that fines ought to be proportioned to the offender's ability to pay should be obeyed.

16. Remarks upon the prosecutions for bad livelihood and upon the advisability of trying such cases at the villages of the accused persons have been made in the review of police administration; and the subject of process-serving fees is noticed in the civil justice review.

In two successive reviews it has been said that the subject of appointing Honorary Magistrates was engaging the attention of the local Administration. This year Honorary Magistrates have been appointed in each municipal town; their jurisdiction has been settled; rules appointing them to sit in benches have issued; and the Honorary Magistrates have now begun to sit. During the past year effort has been made to give Burman Magistrates a larger share in the criminal administration of their own country by investing them with full powers and by placing them in charge of sub-divisions. Both these steps were taken with the concurrence of the late Judicial Commissioner, and are approved by the present Judicial Commissioner. It is satisfactory to find that the District Magistrate of Henzada reports very favourably of Moung Ba Too, who is apparently the first Burman gazetted to full powers and placed in charge of a sub-division.

17. The present criminal and civil justice reports show that the province has benefited greatly from the care given by Messrs. Wilkinson and Crosthwaite to judicial administration in the year 1880, and the Chief Commissioner's acknowledgments are due to Mr. Jardine as well as to Mr. Wilkinson for their full and instructive reports.

By order of the Chief Commissioner,

G. D. BURGESS,

Offg. Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1880.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 19 persons preferred appeals to t[illegible] sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Session, and 24 persons appealed from the sentences passed by the Judicial Commissioner's Court in the exercise of its transferred jurisdiction under section 36 of the Burma Courts Act, 1875, as a Court of Session; also two persons appealed from the sentences passed by the Additional Recorder of Rangoon exercising the powers of a High Court, making in all 45 persons.

2. The following table shows the above particulars and the result :—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1880.	Result.			
			Rejected.	Dismissed and sentence confirmed.	Modified.	Pending.
Court of the Recorder exercising the powers of a Court of Session	..	19	18	..	..	1
Court of the Judicial Commissioner exercising the powers of a Court of Session ..	..	24	15	7	1	1
Additional Recorder exercising the powers of a High Court	..	2	2	..	..	..
Total ..	..	45	35	7	1	2

3. In the previous year 17 persons appealed from the sentences passed by the Court of the Recorder of Rangoon in the exercise of its powers of a Court of Session, and 13 persons from that of the Judicial Commissioner exercising the transferred powers of a Court of Session.

4. During the year one capital sentence passed by the Recorder of Rangoon and 8 by the Court of the Judicial Commissioner as Courts of Sessions were referred to this Court under section 60 of the Burma Courts Act, 1875, for confirmation. The sentence in all were confirmed with the exception of one, in which the sentence of death passed by the Judicial Commissioner was reduced to transportation for life.

5. Besides the above there were two cases referred to this Court, *viz.*, one by the Officiating Judicial Commissioner under section 76 of the Burma Courts Act, 1875, for determination of a question whether a licensed vendor of opium is liable in all cases for the act of his servant in committing a breach of the opium rules committed under cover of the license. The case was determined generally, and the Court held that the conviction of the master was wrong, as he had no knowledge of, or was in any way privy to, his servant's unlawful act, and it was quashed; and the other by the Additional Recorder of Rangoon to this Court, as a High Court under section 263 of the Criminal Procedure Code, he having disagreed with the verdict of the jury in the case of "The Empress *v.* Vyapoory Moodeliar," who found him not guilty of the charge of receiving illegal gratification as a public servant. The Officiating Judicial Commissioner and the Additional Recorder at the hearing differed in their opinion as to the admissibility of certain evidence of subsequent similar acts given by the prosecution to establish the offence charged, and it was referred to the High Court of Judicature at Fort William under section 80 of the Burma Courts Act. The decision of the High Court was not given till after the close of the year, but since then it has ruled that the evidence was inadmissible. The reference is still pending in this Court, and it cannot be disposed of until it is settled whether the Recorder can be one of the Judges of the Court hearing it, or it is necessary to appoint an Additional Recorder.

RANGOON:
The 11th April 1881.

C. J. WILKINSON,
JOHN JARDINE,
Judges of the Special Court, British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of the Town of Rangoon for the year 1880.

THE number of cases committed to the Recorder's Court as a Court of Session during the year was 59, of which 1 was committed by the senior Town Magistrate and 58 by the Assistant Magistrate; whilst 12 cases were committed to the Court as a High Court, 11 having been committed by the Assistant Town Magistrate of Rangoon and 1 by the Magistrate of Pegu, making in all 71 cases. Three cases were pending at the close of the previous year, thus making a total of 74 cases for disposal. Of these, 68 cases were disposed of, and 6, having reference to three persons only, remained pending at the close of the year. Of these one was committed after the close of the last sessions of the year, another, in which the Additional Recorder having disagreed with the verdict of the majority of the jury, was referred to the Special Court, under section 263 of the Criminal Procedure Code, as a High Court, where it was still pending at the close of the year; and the other four cases were against a person whom the Recorder was unable to try by reason of his having a personal interest in the conviction, the man having robbed his house.

2. Nineteen persons, convicted by the Recorder as a Court of Session, appealed to the Special Court. The appeals of 18 were rejected, and one remained undisposed of at the close of the year. Two persons, convicted by the Additional Recorder as a High Court, also appealed, but their appeals were rejected.

3. The following table shows the various punishments inflicted by the court in the exercise of its powers of a High Court and a Court of Session :—

Class of tribunal.	Persons sentenced to					Detail of punishment.							
		Transportation.		*Imprisonment.*		*Fine.*		*Six months and under.*		*Two years and under.*		*Seven years and under.*	*Above seven years.*
	Death.	For life.	For a term.	Rigorous.	Simple.	Amount of fine.	Amount realized.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.
Recorder's Court exercising the powers of a High Court ..	..	..	..	2	4	Rs. 2,100	Rs. 100	..	1	..	3	2	..
Recorder's Court exercising the powers of a sessions court	1	1	3	45	1	1,500	..	6	..	8	1	26	3
Total ..	1	1	3	47	5	3,600	100	6	1	8	4	28	3

Note.—These fines were inflicted in the Commissariat bribery cases in addition to imprisonment, and as the terms of imprisonment have not yet expired except in one case where the fine was paid, they may yet be realized.

4. In the previous year there were 48 cases committed to this court as a Court of Session and nine cases as a High Court.

5. The following table shows the number of persons whose cases came before this court on appeal or revision from the findings, sentences, and orders of the Magistrates of the town of Rangoon and the results :—

Magistrates from whose decision appealed.	Number of persons who appealed.	Result.					
		Rejected.	Confirmed.	Modified.	Reversed.	Enhanced.	Returned for further evidence to be taken.
Senior Town Magistrate ..	2	2	..	..	..	..	..
Assistant ditto ..	59	30	12	3	12	1	1
Total ..	61	32	12	3	12	1	1

Besides the above, there was one appeal from the finding and sentence of the Magistrate of Akyab to this court as a High Court, the parties being European British subjects, in which the finding and sentence of the lower court were upheld.

6. In the exercise of its powers of superintendence and revision as a High Court, the court called for 18 cases of the Assistant Magistrate's court on the perusal of the monthly returns. In one case the finding and sentence were altered, in another the sentence was enhanced, and in a third certain irregularities were pointed out. The other cases were not interfered with.

7. During the year there was one application by the local Government, through the Government Advocate under the Merchant Shipping Act of 1875, which was withdrawn for want of evidence, and three miscellaneous applications.

8. The court sat during the year, for the trial of criminal cases, sixty-six days.

9. The foregoing statistics call for no particular observations. The year, however, was characterized by a series of trials instituted by the Government of Madras against certain officials and employès in the Commissariat Department at Thayetmyo and Toungoo. After several months' enquiry, commencing in November 1879, it was determined to prosecute some 22 persons on charges of receiving illegal gratifications in their capacity of public servants. Lieutenant-Colonel Thomas Weldon, Chief Magistrate of Madras, was appointed to conduct the investigation, and Mr. H. J. Tarrant, Barrister, was subsequently retained to conduct the prosecutions. The first case was brought before Mr. Snow, the Assistant Magistrate, on the 5th May 1880, and on the 19th June, it having been found necessary to relieve him of all other magisterial duties, Mr. Phayre was appointed to dispose of these, and Mr. Snow's whole time was thenceforward, till the 1st September, entirely taken up with these investigations. Fifteen persons, ten of whom were European British subjects, were committed by him, each on several charges under sections 161 and 165 of the Penal Code. These proceedings were instituted in consequence of certain disclosures which were made in the Insolvent Court before me during the examination of one Jacob Cohen, an insolvent, whose firm for some years previously had been contractors for the supply of provisions, &c., for the troops at Thayetmyo, Toungoo, and Rangoon, and with reference to which business I found as a fact that the insolvent had systematically been paying moneys to persons connected with the Commissariat to secure an illegal advantage to his firm. When therefore some of these persons to whom the insolvent alleged he had paid such moneys were committed to take their trial in the Recorder's Court, as I considered that, by reason of my previous investigation of the case and the opinion I had been obliged to come to, although it was only expressed so far as it concerned the insolvent, I was not in the position that the Judge who had to try the parties should be, free from all preconceptions, and that

the accused might consequently object to my presiding at the trials. I represented the position in which I found myself to the Chief Commissioner, and gave my opinion that it was not advisable or expedient that I should try these persons and advised the appointment of another Judge in my place. There was, however, a difficulty in the way of this being done, for the Burma Courts Act, 1875, although it gave the Chief Commissioner power to transfer certain cases from one Court to another, gave no power to any other Court than the Recorder's to try European British subjects, and the majority of the persons committed were such. My views on the subject were accepted, and, in order to overcome the difficulty, a special Act was passed giving power to the Governor-General in Council to appoint temporarily from time to time an Additional Recorder to assist the Recorder, and Mr. C. F. Egerton Allen, the Government Advocate, was appointed to try the cases. The trials occupied the time of the Court from the 16th August, with one short interval, till the 18th October, and the result was that out of 15 persons committed for trial eight were convicted, five were acquitted. Of these one was referred to the Special Court, as the Additional Recorder declined to accept the verdict of acquittal, and the cases against the remaining two committed were withdrawn by the prosecution.

10. That it was necessary to resort to legislation in order that these cases might be disposed of by the Court presents another instance of the many defects of the system of judicature that obtains here. The means which were adopted to meet the emergency that had arisen, and which probably under the circumstances were the readiest and easiest that could be adopted, do not, I think, cure the defect. A way out of a temporary difficulty merely was provided, whilst, if I may venture to say so, another defect and anomaly was added. It is not at all likely that the same objection to the Recorder presiding at a criminal trial will not from time to time occur. He exercises several jurisdictions, and the proceedings before him in one of these might lead to a trial of the parties before him on the criminal side of the Court, notably in the insolvency jurisdiction, where he may have found an insolvent debtor's conduct as a trader fraudulent, whose creditors had thereupon taken criminal action against him. The new Act will, it is true, and without the delay that occurred on the late occasion, enable some one else to be appointed temporarily in the place of the Recorder, and, if from amongst the members of the Bar, probably the Government Advocate would be selected; but as he is *ex-officio* a public prosecutor and a Government servant, the public may not have that confidence in him that they would have in one who held a permanent judicial position. Whatever the selection, it would not add to the dignity of the Bench to have gentlemen one day presiding in the Court and the next day practising before it.

11. There is already a feeling against the Court observable in the public mind, which has manifested itself on more than one occasion, and is engendered of the defective principles on which the system of judicature rests; and, I fear, unless a change is made to a more satisfactory system, it will not be long before the public will cease to have any confidence in the Courts, however anxious and striving the Judges may be to administer even justice to all, or however much they may try to obviate or ameliorate the evils of the system. The Judges likewise will not be long before they will also have to share with the Courts the general want of confidence and unpopularity, for the public will not be at the pains to separate those who administer and work the system from the system itself. If it is radically wrong, they will conclude that justice under it is not obtained, and they will regard the Judges as chiefly responsible for this.

12. The part of the system which more than any other shocks their sense of justice is that appeals and references should lie to a Court in which the Judge who conducted the trial in the Court of first instance is one of the two Judges. They naturally think, and it must be more or less the fact, that he who has already heard and weighed the evidence and acted upon it, and consequently determined the case in his own mind, is not generally likely to hold his opinion to be wrong when reconsidering the case in the Appellate Court; and, besides which, that, from the knowledge of the details of the case which he has acquired at the trial, he will be more likely to influence his colleague than his colleague to influence him. There is another matter too which has exercised the mind of the

public considerably, and has called forth strong expressions of disapprobation from the public press, and that is the power which the law gives to a Judge to refuse to accept a verdict of acquittal although the jury may be unanimous, and then that, in Rangoon, it should be referred to the Special Court, where the Judge who has refused to accept such a verdict is one of the Judges. For my own part I consider the objection unanswerable, and the surprise is that this feature of the system has not been even more loudly denounced. I would likewise be glad to see this power of rejecting a verdict altered, if not abolished, for it undermines the principles upon which trial by jury rests; and it makes the opinion of one man, who may not be any better able to draw conclusions from facts and circumstances any more accurately than the jury, of more weight than the united opinion of the several persons whose special province it is to form an opinion. Occasionally justice may be frustrated by following the old rule that the verdict of a jury is not to be disputed; but I think that more injury is done by adopting another which in theory may be better, but which in practice offends the feelings of the public.

13. I myself see no other way of getting rid of the defects and anomalies of the present system of judicature than by abolishing it altogether; and in the place of the Recorder's and Judicial Commissioner's Courts and the Special Court to establish one Court of appellate and original jurisdiction, consisting of three Judges, as the Officiating Judicial Commissioner and I recommended in our letter No. 8, dated the 24th June 1880, to the Chief Commissioner, who had requested us to submit our opinions on the changes we considered necessary, he being of opinion that the time had arrived when the present system could no longer be permitted to continue, and that one Court should take the place of the three now existing. He approved of our scheme and recommended it to the favourable consideration of the Government of India with a view to it taking the form of an Act. If this were done, no further alteration would be required, for a Court such as we have recommended would answer the requirements of the province in its most fully developed state, whilst it is, I would respectfully submit, not beyond what is already urgently required.

THE MAGISTRATES' COURTS.

14. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year and the number of persons brought to trial, convicted, and acquitted, as compared with the previous year :—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1879	668	1,988	2,656	2,407	4,535	1,065	3,891	74	..	1	4
1880	712	3,260	3,972	3,777	8,680	1,751	6,842	76	..	..	11
Increase ..	44	1,272	1,316	1,370	4,145	686	3,451	2	..	1	7

From the above statement it will be seen that there was an increase over the previous year of 1,316 offences reported and 4,145 persons brought to trial, which appears to be made up for the most part of petty offences. There is, however, a large increase of prosecutions for gambling. At the same time the increase is in a measure attributable to the growth of the population, and especially to the presence amongst it of natives of India, who come over to work as labourers and belong to a class of Madrassis who figure very largely in the magisterial annual returns.

15. The following table shows the number and the results of non-bailable cases for the year in comparison with the previous year :—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1879	668	424	509	91	347
1880	712	537	667	104	497
Increase ..	44	113	158	13	150

This would show that the police have been fairly successful in apprehending the offenders.

16. The following table shows the percentage of detection to the cases reported in non-bailable offences, as compared with the previous year :—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1879	668	389	58·23
1880	712	544	76·40

This is a very considerable increase on the previous year, and indicates greater care in tracing crime to the offenders, and that there were not so many unfounded complaints made as in the previous year.

17. The following table shows the number of offences against property with violence, as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1879.	1880.	1879.	1880.	1879	1880.
Dacoity	1	..	..	..	..	..
Robbery	7	3	7	3	7	3
Extortion	1	1	1	1	3	1
Total ..	9	4	8	4	10	4

The offences under this head are not many, but the cases reported were brought to a successful termination: this decrease in violent crime is satisfactory.

18. The following is a table showing the offences against property without violence, as compared with the previous year:—

Nature of offences.	Offences reported		Offences brought to trial		Persons convicted or committed.	
	1879.	1880	1879	1880.	1879.	1880
House-breaking with theft	40	19	30	18	34	14
Theft	520	583	290	394	274	412
Receiving stolen property	33	58	33	58	46	54
Total ..	593	660	353	470	354	480

House-breaking would appear to have decreased, which the Town Magistrate is inclined in part to attribute to the working of the picket system of hidden sentries by night picketed at different places throughout the town. There is an increase in the number of theft cases over the previous year; but it will observed that the convictions have been nearly 20 per cent. better. Receiving stolen property has also increased, but nearly all the cases reported were followed to a conviction.

19. The following statement shows the details of violent crime, as compared with the previous year:—

Offences	Offences reported		Offences brought to trial		Persons convicted or committed	
	1879	1880	1879	1880	1879	1880.
Murder	7	4	5	3	5	3
Attempt at murder	7	1	7	1	7	1
Culpable homicide	1	2	1	2	1	2
Grievous hurt	15	11	15	11	12	12
Ditto on sudden provocation		1	..	1		1
Hurt	31	49	30	49	29	46
Do with dangerous weapon	18	27	18	24	20	21

Violent crime of the more heinous character is less than in the previous year, and, considering the large population of the town and the character of a large section of the community, it does not appear to me to be greater than is to be expected. One murder reported does not appear to have been discovered, but in all the other cases the offenders had been brought to trial and punished. Cases of hurt and hurt with dangerous weapons have considerably increased, but I have received no details of them. They, however, I am informed, appear in the Police Report.

20. The subjoined table shows the petty offences for the last three years:—

Nature of offence	1878	1879	1880
Assault	456	400	675
Insult	86	95	171
Creating a disturbance	184	29	356
Nuisance (Police Act)	139	129	449
Breach of local rules	847	632	716
Drunk and disorderly	362	274	315

There is a marked increase under each head of offence for the past year, but I am unable to give any satisfactory explanation of the reason.

21. The subjoined table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted	Committed.	Died, escaped, or transferred.	Remaining under trial	
								In custody.	On bail or recognizance.
Town Magistrate, Rangoon Town district	Bailable ..	217	6	39	172	..	..	..	..
	Non-bailable ..	17	..	4	12	1	..	..	..
	Total ..	234	6	43	184	1	..	..	..
Assistant Magistrate, Rangoon Town district ..	Bailable ..	6,356	215	618	5,504	22	..	..	7
	Non-bailable ..	611	..	96	451	52	..	2	..
	Total ..	6,967	215	714	5,955	74	..	2	7
Extra Assistant Commissioner, Rangoon Town district ..	Bailable ..	1,440	493	276	669	..	..	..	2
	Non-bailable ..	39	..	4	34	1	..	..	..
	Total ..	1,479	493	280	703	1	..	..	2
Grand Total ..		8,680	714	1,037	6,842	76	..	2	9

This return shows that four-fifths of the whole magisterial work of the town is done by the Assistant Magistrate instead of the Town Magistrate being, as he was formerly, the chief magisterial officer. His services have, however, lately been devoted to executive work, and now no judicial functions of importance, with the exception of enquiries into shipping casualties, are performed by him. In my opinion this is to be regretted, for, I think, the more important criminal cases should be decided by the senior, and necessarily more experienced, officer, and, besides, it causes the administration of criminal justice to be regarded as of less moment than the disposal of executive or administrative duties. If the Senior Magistrate is in future only to do executive work, and the magisterial work is to be entirely performed by some one else, I would recommend that the two offices of Magistrate and Deputy Commissioner be separated, and the person to perform magisterial duties be alone responsible for the work. Rangoon is a place of such extent and importance as, in my opinion, to require the undivided time and attention of an experienced and efficient officer for its Chief Magistrate, but the greater part of his time is now taken up with other duties, and too much of the judicial work has fallen on the Assistant Magistrate, more indeed than could generally be disposed of in anything like a satisfactory manner. Fortunately Mr. Snow, the present Assistant Magistrate, has by dint of close application been just able hitherto to keep up with the work; but this, I think, should only be the exception and not the rule. In my opinion he has very efficiently filled the place of the Chief Magistrate. His judicial work which has come under my notice has been characterized by prudence and care, and I am pleased to bear testimony to his efficiency. For four months during the year he was engaged in the preliminary magisterial investigation of what are generally known as the "Commissariat bribery cases," and from the 19th June to the 1st September his time was entirely occupied with them, during which interval Mr. Phayre performed the general duties of Assistant Magistrate.

22. The following is a statement of shipping casualties investigated by order of the Chief Commissioner under Act I of 1859 and Act IV of 1875 and the Rangoon Pilot Rules :—

No.	Subject.
1	Grounding of the *Bay of Naples* while in charge of Pilot Proud.
2	Loss of two anchors and some chain from the *Slieve Donard* while in charge of Pilot Sassy.
3	Grounding of the S. S. *Peer of the Realm* whilst in charge of the master.
4	Fire on board the barque *British Empire*.
5	Fouling of two cargo-boats and sinking of a third by the S. S. *Martaban* whilst in charge of Pilot Proud.
6	Grounding of the British ship *Blair Athole* whilst in charge of Pilot Mahomed Hossain.
7	Conduct of Pilot Berry whilst in charge of ship *Fearnought*.
8	Grounding of the *Bay of Naples* whilst in charge of Pilot Handley.
9	Loss of British ship *Melpomene* near the Andaman islands.
10	Loss of the ship *Rahim Pasha* on the east side of Baragua flat.
11	Fouling of three boats by the S. S. *Maharani* whilst in charge of Pilot Burket Ally.
12	Conduct of Pilot David in connection with the loss of two anchors and some chain belonging to the *Slieve Donard*.
13	Grounding of the ship *Montgomeryshire* whilst in charge of Pilot Small.

The first 10 cases were conducted under the presidency of the Senior Magistrate, and the last 3 under that of the Assistant Magistrate.

23. I would beg to call the attention of the Chief Commissioner to those cases in which the conduct of pilots is concerned. I have on other occasions expressed my opinion that there is no power given to the local Government to direct these enquiries, or for the Court of Enquiry to take evidence on oath and administer punishment. There is no Pilot Act which applies to this or the other parts of the province which gives the local Government, in my opinion, punitive powers over the pilots; and I know of nothing to prevent any person from acting as a pilot without any license. It seems to me the rules relating to pilots were taken from the Bengal Pilot Regulations without considering whether the same supervision and control over them could legally be exercised. In my opinion legislation is very urgently needed in the matter.

24. The following table shows the punishments inflicted by the different Magistrates :—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.			Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
	Solitary confinement.	Simple.	Rigorous.							
Senior Magistrate	..	..	12	167	1	8	1	1,387	1,214	1
Assistant ditto ..	15	18	397	5,235	224	17	27	50,203	36,703	1,032
Extra Assistant Commissioner ..	..	..	44	630	22	1	6	5,496	4,564	586
Total ..	15	18	453	6,032	247	21	34	57,086	42,481	1,619

Of the fines imposed by the Senior Magistrate 87·53 per cent. was realized,—by the Assistant Magistrate 73·11 per cent., and by the Extra Assistant Commissioner 83·04 per cent. On the total amount of fines 74·42 per cent. was realized: this is fairly satisfactory, for it shows that fines have been inflicted with more regard to the capabilities of the persons so punished to pay than used formerly to be the tendency, as nearly 75 per cent. of the aggregate fines inflicted by these courts have been paid.

25. The following table shows the detention of witnesses and the average duration of cases:—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
Senior Magistrate	167	15	4	..	1¾ days.	1⅛ days.
Assistant ditto	4,553	28	10	9	2 „	1⅛ „
Extra Assistant Commissioner	505	21	8	..	5½ „	8½ „
Total ..	5,225	64	17	9	3 days.	2·21 days.

This return is so far satisfactory that it shows a decrease in each of the courts; but I am not aware of any sufficient reason why witnesses should be detained so much longer in the Extra Assistant Commissioner's court than in the other courts: this may be capable of explanation, and I will enquire into it.

26. The subjoined table shows the nationalities of persons brought to trial during the last three years:—

Nationalities.	1878.	1879.	1880.
Burmese	1,841	1,527	2,340
Chinese	244	284	770
Natives of Bengal and Upper India	993	894	1,538
Madrassis	2,184	1,263	3,095
Chittagonians	207	295	627
Europeans and Eurasians	328	272	310
Total ..	5,797	4,535	8,680

This return may be of further interest when the number of each nationality or race in the town has been ascertained from the late census returns.

RECORDER'S COURT, RANGOON:
The 29th March 1881.

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From J. JARDINE, Esq., Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 462-1, dated the 29th April 1881.

I HAVE the honour to submit the annual report on the administration of criminal justice in British Burma (exclusive of the town of Rangoon) for the year 1880, together with a set of statistical returns.

2. The sub-joined tables, A and B, show the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year :—

A.

Division.	Name of district.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1879.	1880.	1879.	1880.	1879.	1880.	1879.	1880.	1879.	1880.
ARAKAN.	Akyab	1,107	1,584	1,771	2,443	699	881	1,014	1,440	57·25	58·94
	Do. town ..	859		1,428		287		1,120		78 71	
	Kyoukpyoo ..	952	955	1,211	1,040	416	461	786	570	64 91	54·80
	Sandoway ..	485	392	420	432	177	146	240	278	57·14	64·35
	Northern Arakan ..	61	86	82	54	30	22	51	31	62 20	57·40
PEGU.	Hanthawaddy ..	1,896	1,709	3,068	3,229	1,196	1,321	1,812	1,776	59 06	55 00
	Thonegwa ..	1,577	1,771	2,759	2,837	935	1,038	1,801	1,758	65 28	61·96
	Bassein ..	2,195	2,218	3,542	3,995	1,176	1,461	2,241	2,427	63·27	60·75
	Henzada ..	1,824	1,938	2,711	2,745	808	842	1,886	1,885	69 57	68·67
	Tharrawaddy ..	1,337	1,167	2,126	1,938	865	734	1,229	1,162	57 81	59·95
	Prome ..	3,055	2,897	4,016	3,858	1,408	1,284	2,559	2,528	63 72	65 62
	Thayetmyo ..	1,777	1,208	2,268	1,647	689	504	1,537	1,100	67 77	66·78
TENASSERIM.	Amherst ..	1,309	1,333	1,950	1,735	726	674	1,159	1,007	59·44	58·04
	Shwaygyin ..	1,441	1,620	1,940	2,291	688	894	1,218	1,384	62 78	60 41
	Toungoo ..	795	974	992	1,233	412	462	574	762	57·86	61·80
	Tavoy ..	321	369	617	423	228	126	388	289	62 88	68 32
	Mergui ..	261	312	330	429	94	95	229	320	69 39	74·59
	Salween ..	59	52	87	106	9	23	77	81	88·51	76 41
	Moulmein ..	1,453	1,611	2,407	2,112	712	617	1,665	1,451	69·17	68 70
	Total ..	22,714	22,096	33,720	32,547	11,555	11,585	21,586	20,249	64 02	62·21
	Increase ..	..	..	..	..	..	30	..	..	..	..
	Decrease ..	..	618	..	1,173	..	..	..	1,337	..	1·81

Increase and decrease in the different districts during the year.

INCREASE.

Name of district	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	..	..	..	..
Do. town				
Kyoukpyoo	3	..	45	..
Sandoway	..	12	..	38
Northern Arakan	..	..	..	..
Hanthawaddy	..	161	125	..
Thonegwa	194	78	103	..
Bassein	23	453	285	186
Henzada	114	31	31	..
Tharrawaddy	..	..	..	..
Prome	..	..	..	..
Thayetmyo	..	..	..	..
Amherst	24	..	..	..
Shwaygyin	170	351	206	166
Toungoo	179	241	50	188
Tavoy	48	..	..	..
Mergui	51	99	1	91
Salween	..	19	14	4
Moulmein	158	..	..	..
Total ..	973	1,448	863	673

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	432	751	105	694
Do. town				
Kyoukpyoo	..	171	..	216
Sandoway	43	..	31	..
Northern Arakan	25	28	8	20
Hanthawaddy	187	..	..	36
Thonegwa	..	..	..	43
Bassein	..	..	..	..
Henzada	..	..	..	1
Tharrawaddy	170	188	131	67
Prome	158	158	124	81
Thayetmyo	569	621	185	437
Amherst	..	215	52	152
Shwaygyin	..	..	..	..
Toungoo	..	..	..	..
Tavoy	..	194	102	99
Mergui	..	..	..	..
Salween	7	..	..	..
Moulmein	..	295	95	214
Total ..	1,591	2,621	883	2,010

There is a small decrease in the offences reported and a decrease of 1,173, or 3·48 per cent., in the number of persons brought to trial. The percentage of convictions before Magistrates to persons brought to trial was 62·21, against 64·02 of 1879, and of acquittals and discharges 35·59. Out of the 32,547 persons brought to trial, 18,701 appeared before Subordinate Magistrates, 7,988 before first class Magistrates, and 5,858 before District Magistrates. The percentages of convictions and committals were 59·61, 67·54, and 69·22 in these three classes of tribunals.

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts, and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Arakan.	Akyab	1879	2	3	7	11	1	1	1	6	3	5	1	...	7	6	24	23	17	21	289	207
		1880	...	...	7	19	5	9	...	...	6	5	2	1	12	9	41	26	11	3	283	221
	Do. town...	1879	...	...	1	3	...	...	...	...	...	...	...	...	...	...	2	1	...	...	145	86
		1880	Included in Akyab district.																			
	Kyoukpyoo	1879	2	...	1	1	1	...	1	...	...	...	1	1	1	1	14	14	1	2	418	265
		1880	...	...	2	1	1	...	5	8	2	...	2	...	7	8	14	11	6	4	394	178
	Sandoway	1879	1	...	...	...	...	...	...	...	...	...	...	...	2	2	12	4	4	2	241	96
		1880	2	2	2	2	...	...	...	...	1	...	1	1	3	3	5	2	...	...	159	57
	Northern Arakan	1879	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	4
		1880	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	5
Pegu.	Hanthawaddy	1879	1	...	20	11	5	4	5	8	12	9	6	3	19	15	46	49	92	40	512	388
		1880	6	4	13	20	5	21	5	17	12	12	7	2	18	22	39	30	106	105	459	408
	Thonegwa	1879	4	2	7	8	1	1	1	5	10	6	2	...	7	5	15	9	25	15	569	317
		1880	2	...	4	9	3	...	3	7	8	17	3	2	8	4	14	10	11	3	633	390
	Bassein	1879	3	1	12	9	2	2	...	...	8	15	1	...	13	7	75	32	26	15	607	367
		1880	...	...	7	10	2	2	6	27	17	27	4	3	5	8	36	29	15	14	529	391
	Henzada	1879	1	...	8	5	...	...	3	12	11	9	2	...	13	8	59	28	41	33	831	418
		1880	...	...	2	1	2	3	2	1	15	4	4	2	7	7	56	28	36	29	693	370
	Tharrawaddy	1879	...	...	1	2	1	...	8	25	11	19	2	...	5	6	15	10	21	27	435	355
		1880	...	...	3	3	5	9	3	6	12	21	5	2	7	14	16	13	5	6	355	296
	Prome	1879	4	2	9	7	1	2	1	15	9	13	8	2	21	19	29	18	102	52	1,022	521
		1880	1	1	12	8	3	2	2	9	14	6	4	1	16	9	34	22	100	50	961	480
	Thayetmyo	1879	2	1	6	5	2	1	4	7	8	2	4	3	3	3	23	10	155	14	577	237
		1880	3	...	9	9	2	1	13	1	13	2	2	1	44	25	10	7	86	7	391	215

B.—*concluded.*

Division.	Name of District,		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-stealing.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Tenasserim.	Amherst	1879 ...	4	4	6	16	1	1	2	9	6	1	1	1	6	3	8	7	121	30	362	202
		1880 ...	1	...	14	10	1	9	1	...	3	...	2	3	7	4	22	16	93	61	485	214
	Shwaygyin	1879 ...	2	...	1	...	...	...	2	10	5	4	6	3	3	4	26	21	50	16	574	211
		1880 ...	1	...	4	3	...	...	3	9	3	2	6	1	10	7	45	19	55	11	571	203
	Toungoo	1879 ...	1	2	5	2	...	...	3	8	6	3	1	...	3	2	24	12	40	12	184	106
		1880 ...	...	...	8	4	3	1	1	2	10	...	...	...	1	...	23	12	57	17	281	127
	Tavoy	1879 ...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	29	6	1	...	96	61
		1880 ...	...	...	1	1	...	...	...	...	...	...	1	4	8	11	16	11	1	1	110	77
	Mergui	1879 ...	...	...	5	7	1	1	...	...	...	...	...	...	2	3	5	4	...	...	92	43
		1880 ...	1	1	4	4	1	1	2	4	2	3	1	...	4	3	7	6	2	1	109	86
	Salween	1879 ...	...	...	1	1	1	1	...	...	...	...	1	...	...	...	...	...	2	1	16	17
		1880 ...	...	...	1	1	...	...	1	...	...	...	...	...	...	...	...	...	4	7	10	14
	Moulmein	1879 ...	2	1	...	...	1	1	...	...	4	2	1	2	4	7	7	5	...	...	138	114
		1880 ...	4	3	1	1	1	1	...	...	3	1	1	1	17	19	12	8	3	1	266	109
	Total ...	1879 ...	29	16	91	88	17	14	31	105	93	88	37	15	110	92	413	253	698	280	7,115	4,015
		1880 ...	21	11	95	107	34	59	47	91	121	100	45	24	174	153	390	250	591	320	6,693	3,841
		Increase	...	...	4	19	17	45	16	...	28	12	8	9	64	61	...	...	...	40	...	...
		Decrease	8	5	...	...	...	...	...	14	...	...	...	...	...	...	23	3	107	...	422	174

The Statement B shows a small increase in murders reported, *viz.*, 4, the number being 95. Culpable homicides have doubled, amounting to 34. There are also 16 more dacoities, 28 more robberies, 8 more rapes, and 64 more grievous hurts. There is some set-off in other serious crimes: there are 23 fewer house-breakings, 107 fewer cattle-thefts, and 422 fewer thefts and dishonest receipts of stolen property.

There has been no great difference in serious crime in the Arakan division. The town of Akyab is this year included in the Akyab district. In one case of murder the Superintendent of Police so completely investigated the circumstances as to secure the conviction of 7 persons. In another appeal from acquittal at sessions the murderer was transported for life. In the beginning of the year there was an extraordinary amount of violent crime, but severe sentences are said to have produced their due effect. The Magistrate, Mr. Ireland, reports favourably of the police.

The returns for Pegu are on the whole satisfactory. In Hanthawaddy, the old Rangoon district, where the Judicial Commissioner sits as Sessions Judge, the decrease in murders and robberies being continuous is regarded by the Deputy Commissioner as creditable to the police. The increase in cattle-theft is stated to arise from better reporting; of 160 persons concerned, 104, or 65 per cent., were convicted. It is hard to draw the line between house-breaking in the half open Burman houses and theft: take the whole return of Hanthawaddy and it is favourable. Of the 13 murders, the causes stated by the Deputy Commissioner, Major Plant, were in one gambling, in 9 women, in 2 quarrelling; in one the cause was unknown: 292 persons were arrested in about 156 cases of common and grievous hurts. In 46 cases sticks, in 6 cases bottles, in 5 clasp-knives, and in 22 das were used to cause the hurt. Major Plant states "the majority "of these hurt cases were owing to quarrels, interchange of abuse and to gambling "one case, to women one case, and to wine none."

The Magistrate of Thonegwa reports that the detection of cattle-theft there has considerably fallen off. In Bassein there were 6 dacoities and 9 more robberies, but the detection was good; crimes of violence have decreased under the influence of severe sentences, and the Magistrate, Colonel Munro, is generally satisfied with his subordinates, magisterial and police. He has drawn their attention to the prosecution of dishonest receivers. In Henzada, though crimes of violence against property have increased, the type of such crime has been less serious. The police have not worked well in these cases and the Magistrate has given them directions to watch persons suspected of being dishonest receivers. Major Spearman has given them sound practical advice to restrain them from at once arresting as dishonest any person, however good his character, who has received in pawn property which has been stolen. In ordinary thefts and receivings the percentage of convictions is increasing, this Magistrate having enjoined the police to use some discrimination and make some inquiry before arresting persons on suspicion. Mr. Hodgkinson is of opinion that the small variations in heinous crime in Tharrawaddy are not remarkable. In Prome one murder was connected with gambling. The police there have broken up 3 or 4 dangerous gangs of cattle-thieves. Four of the robberies were serious, and in these four the robbers all escaped across the frontier. In Thayetmyo the decrease in thefts is gratifying, as it is a frontier district. The establishment of cattle-markets there some years ago did some good. As cattle-thefts have increased in Toungoo, they have lately been established there.

In the whole province 10 persons were convicted or committed for coinage offences out of 14 brought to trial.

Under section 188 of the Penal Code, 283 persons were brought to trial and 250 convicted. In 1879 292 were convicted out of 366 persons brought to trial. Some years ago I drew attention to the frequency of illegal convictions under this section, and Mr. Crosthwaite had several occasions of doing the same. The decrease of these prosecutions is, in my opinion, gratifying. The number of convictions for public nuisance under the Penal Code has fallen from 1,693 to 1,281. The number convicted of nuisance under police, municipal, and local Acts has fallen from 2,057 to 1,711. The persons convicted under Cantonment Rules were 110,

as against 167; and those under the Police Act were 1,307, as against 1,347. The subject of petty prosecutions is dealt with at page 13 of last year's report, and the vast number of them in Burma, as compared with other provinces, has been noticed. If page 14 of the report for 1877 is referred to, it will be seen that in that year the number of people prosecuted for nuisances and petty offences was in the single town of Moulmein reduced by 1,080. Since 1877 the number convicted in the whole province for breaches of special laws has diminished from 8,694 to 7,440. I look on these results as satisfactory, especially as the decrease in such cases must have left the police more time and inclination to deal with serious crime, and the people less vexed by interference. Only 41 persons were convicted under the revenue rules; 4 were convicted last year: here is an instance of a highly important law being worked in a lenient manner. Excise convictions fell from 1,104 to 958: more Magistrates having been empowered, the opium law has been stringently enforced; 392 persons were convicted instead of 190. Embankment convictions rose from 306 to 325 persons.

The numbers of gaming and lottery cases were in—

	Offences reported.	Persons under trial.	Acquitted or discharged.	Convicted.
1877 ..	603	3,502	853	2,640
1878 ..	608	3,134	642	2,484
1879 ..	665	3,142	684	2,401
1880 ..	585	2,476	600	1,850
	2,461	12,284	2,779	9,375

These statistics are somewhat striking. In spite of the great number of convictions obtained under Act III of 1867, which, in regard to common gaming-houses, throws the burden of proof on the prisoners gambling is stated to be on the increase in Henzada and other districts. I know of no penal law in force in Burma which in itself deals so hardly with the persons accused: there is none which is so persistently strained by the courts in their eagerness to convict. The police derive rather large rewards out of the heavy fines usually inflicted: the provisions of section 41 of Act V of 1861 are in some districts, I believe, abrogated for the benefit of the police, who are allowed to keep the rewards given them as informers. The money not being paid into the police fund, they have the strongest inducement to get convictions: in cases dealt with by Mr. Crosthwaite and myself, payments of Rs. 100, Rs. 80 or Rs. 60 have been ordered to some petty policeman for little services which were illegal after all. It appears, however, in 1880 that 600 out of 2,476 persons were discharged by the Magistrates; that was about 1 in every 4: and that in the last four years, the Magistrates themselves have let go 2,779 presumably innocent persons brought before them for these offences. These enormous figures do not include the great number of perons whose convictions have been set aside by the Judicial Commissioner for illgality, some of which have formed the subject of circular orders No. 123 of the 28th September 1878, No. 126 of the 19th October 1878, and No. 127 of the 19th October 1878. In one case a Magistrate made out a warrant for the search of a house as a common gaming-house, with a direction to the policeman that he was not to execute it on any particular date until the policeman thought proper. In many cases persons have had their houses entered and have been seized, tried, and fined, or imprisoned for merely playing cards for money-points in their own houses, it not having even been charged that the house was a gaming-house. In two cases police officers of some standing took money offered them as bribes: they explained at the sessions that they did this plainly unlawful act in their eagerness to get some lottery-keepers convicted. Many of these cases are conducted in a violent manner: people's houses are entered at night without, I suppose, much warning to the females. The innocent people arrested doubtless feel the indignity, and I know of no instance of any one of the 2,779 people getting any satisfaction. Some of the magistracy and police seem to reason in this way:—
"If a man plays whist in his own house for money, the house is a common "gaming-house: if to avoid this ruling a man leaves his own house and goes "into a wood or a field or the shade of some deserted pagoda, then his presence "makes the solitude a public place and he is to be convicted under section 13."
In a case lately before me a Chinaman left a town and went to a river side to gamble

in quiet: the Magistrate held this was a mere evasion, and fined him Rs. 100 for gambling in a public place.

As to lotteries, some of the magistracy strain section 294A of the Penal Code so as to punish the collection of subscriptions for lotteries as well as the drawing or declaring of them.

Several Magistrates of great experience, such as Major Plant, Mr. Hough, and Major Spearman, have discussed this subject. Major Spearman believes that the balance of effects resulting from gambling and pony-racing is evil, and that these doings lead to crime. In Henzada 5 cases of hurt, 1 of riot, 1 of robbery, and 2 of grievous hurt were traced to gambling. Mr. Hough, of Prome, says that the new form of lottery kept by Chinamen is rapidly demoralizing the people, and is afraid that the lottery system may develope the criminal instincts of the people to an uncontrollable extent. Major Strover, of Toungoo, attributes the increase of theft to opium-smoking and the facilities for gambling; but he does not seem to have verified this conjecture.

It is too evident that many Magistrates in their disapproval of the existing law go beyond it. Some think the Government are wrong in looking on a lottery as a thing that may be authorized, and object to the repeal of Act I of 1844. Others think all gambling should be made unlawful, and would include bets on horse-racing. But the inferences on which these proposals are based require a little sifting. If any great increase of crime had occurred, then perhaps in Henzada and in Prome and Hanthawaddy, where gambling is rampant, the two things might be connected as cause and effect without the fallacy of taking Tenterden steeple to be the cause of Goodwin sands. I do not observe, however, any great increase of crime in general, and other causes are given where it is found as in Henzada. Want of detective ability is mentioned there. In Hanthawaddy, which comes more under my own notice, gambling goes on with a diminution in crime. Major Plant, the Deputy Commissioner, gives his opinion as follows:—

"Gambling, which is fostered and kept alive by the wandering Chinaman, is practically unchecked, the Act is in operation to a large extent. Gambling unsettles the mind and occupation of villagers, but does not lead them to crime as the popular idea is, and which I challenge proof of. A villager who is not an opium-smoker or dram-drinker will not take to crime because he has gambled and lost; it is the man who would steal or commit crime, whether he gambled or not, that does steal and rob if he has lost heavily, but even then he does not concoct his raid in the gambling circle, but in the opium shop or spirit booth."

Major Spearman would add horse-races to the catalogue of prohibited things, and in some places licenses are required for dramatic performances, because the first lead to betting and the last to quarrels. The English law regulates such things, but does not attempt to restrain people's amusements when decently conducted. The working of the present Gambling Act shows that it occasions much vexation; evidently it has not stopped the habit of gambling; perhaps it has prevented the habit degenerating into a cause of crime. Lord Stowell's remarks in regard to cruelty in matrimonial cases seem to me apposite:—"Courts of justice do not pre-"tend to furnish cures for all the miseries of human life; they redress or punish "gross violation of duty, but they go no further; they cannot make men virtuous."

It seems to me that some of the Magistrates ignore the peculiar function of moral and religious teaching, and I cannot understand why the Loogyees or Elders should expect the police to exercise a moral influence over young people who disregard parental cautions. The evils of a State censorship have been described in Mountstuart Elphinstone's report on the territories conquered from the Peshwa in 1818. No such institution exists under the present Italian Government, although the State lotteries there cause the gambling disposition to be pretty general. If the present forms of amusement are put down, the same disposition will find vent elsewhere; it is easy to vary pitch-and-toss with betting, and betting is as easy on a boat-race as on a pony-race. The impulsive Burmans quarrel and use their knives on the spur of the moment; but they quarrel over many things besides gambling, and although gambling may be the occasion, hot temper is the cause of many crimes unthinkingly committed. The present law punishes vice when

openly or systematically conducted, and the courts refuse their aid for the recovery of debts due on immoral considerations. The Special Court has lately struck a blow at betting transactions by ruling on section 30 of the Contract Act that a bettor may, either before or after losing his bet, repudiate the wager and demand a return of his money so long as the stakeholder has not parted with it. The Special Court has also, while rebuking the police for taking money, held that persons abetting unauthorized lotteries may be punished under the Penal Code. To these limits the courts will go in discountenancing practices opposed to good morals or public policy. But until the police are increased in number and made to respect procedure more than they do, and until the other work of the magistracy is diminished, any new creation of petty offences by enactment is, I think, undesirable. In some districts there is still much room for reform. In Akyab 460 persons were prosecuted for common assaults, and of these 232, or 50 per cent, were acquitted. Mr. Ireland, the Deputy Commissioner, makes the following comment on this fact :—" It is clear from these statistics that the law has been "used as an engine of oppression to satisfy private animosity or spite, and that the "courts of the Subordinate Magistrates have not been sufficiently careful." The Akyab Superintendent of Police points out that in offences against property the percentage of convictions was only 59, and observes that "the absence of crime has "led more than one Sergeant from want of something better to do to send up cases "for trial which should never have been prosecuted." The Commissioner of Arakan takes a more lenient view and thinks the people themselves complain in anger and then cool down. In Thayetmyo the Deputy Commissioner, Colonel Davies, thinks that these frequent acquittals are caused by the prosecutions being conducted by ignorant Native policemen. The Commissioner of Pegu has lately commented very severely on the disregard of the law by the police in a case before him at sessions, and had an Assistant Superintendent tried for maltreating a prisoner. Some of the Magistrates are overworked, the Deputy Commissioner of Henzada sometimes sits in court till late at night. Without going further into such details, I would suggest that it would be better to concentrate attention on the detection and prevention of serious crime and the recovery of stolen property, and not to add greatly to the existing labours of the police force or the lower magistracy until the law is more carefully applied. The statistics of appeals and revisions also show that much improvement is still possible.

3. The next table shows the amount of criminal business in the several districts, the result of the trials and the state of the files at the close of the year, the average duration of cases and the number of witnesses who attended :—

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
Arakan.	Akyab	2,443	370	511	1,440	63	2	57	3·30	5,586
	Do. town									
	Kyoukpyoo	1,040	202	259	570	2	2	5	3·6	2,260
	Sandoway	432	87	109	278	6	1	1	5·64	1,480
	Northern Arakan	54	9	13	31	1	..	..	3·20	54
Pegu.	Hanthawaddy	3,229	897	424	1,776	75	1	56	3·68	6,708
	Thonegwa	2,837	441	597	1,758	24	10	7	5·37	4,941
	Bassein	3,995	390	1,071	2,427	25	45	37	5·60	9,055
	Henzada	2,745	253	589	1,885	7	..	11	5·31	6,015
	Tharrawaddy	1,938	307	427	1,162	21	14	7	3·50	3,933
	Prome	3,858	697	587	2,528	25	2	19	2·80	8,763
	Thayetmyo	1,647	294	210	1,100	18	6	19	4·5	3,243
Tenasserim.	Amherst	1,785	313	361	1,007	22	..	32	3·90	3,199
	Shwaygyin	2,291	528	366	1,384	3	..	10	4·64	4,709
	Toungoo	1,283	185	327	762	4	4	1	3	2,701
	Tavoy	423	35	91	289	5	..	3	4	1,344
	Mergui	429	22	78	320	13	..	1	3	810
	Salween	106	6	17	81	1	1	..	4·26	144
	Moulmein Town	2,112	95	522	1,451	34	..	10	3·75	4,605
	Total ..	32,547	5,031	6,554	20,249	349	88	276	4·38	69,550
	In 1879 ..	33,720	4,772	6,783	21,586	260	166	153	3·43	66,882

These averages are generally good. In the Syriam court the duration was 10 days; in Ngapataw 15. The percentage of convictions for the whole province is 62·21, as against 64·02. The Judicial Commissioners have for some time remonstrated against the procedure of arresting without *reasonable* complaint or suspicion and of issuing summons or warrant without thought. The Magistrates of districts are, I think, increasingly careful in supervising their subordinates, but it would appear that in some districts at least private complainants complain too hastily, arrests are made without reasonable suspicion, and process issued without due enquiry.

4. The subjoined table shows the punishments inflicted by the different magisterial authorities and the orders passed in their preventive jurisdiction :—

Division.	Name of district.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	*Rigorous imprisonment.* Two years and under.	*Rigorous imprisonment.* Over two years.	Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour.
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab	6	7	287	11	1,122	53	26,771 8 0	18,881 4 6	647 14 6	9	13
	Do town			225	22	319	37	6,852 7 0	4,257 10 7	1,145 14 0	8	..
	Kyoukpyoo	..	..	118	6	174	7	1,332 0 0	1,208 5 6	291 14 0	..	1
	Sandoway	5	..	9	..	24	..	446 0 0	446 0 0	80 0 0	..	..
	Northern Arakan..	..	1									
Pegu.	Hanthawaddy	17	25	643	19	1,070	87	32,595 11 9	18,484 15 1	1,294 0 0	27	60
	Thonegwa	4	9	405	47	1,290	78	30,331 14 0	26,111 8 9	2,486 8 0	4	99
	Bassein	14	16	541	35	1,763	112	30,035 2 0	21,115 11 0	4,896 8 0	1	57
	Henzada	47	9	407	26	1,303	151	30,653 2 6	23,921 8 9	2,905 15 0	1	32
	Tharrawaddy	17	19	382	41	569	76	16,501 12 9	10,737 10 9	1,048 0 0	49	58
	Prome	..	10	475	42	1,789	212	32,885 4 3	26,294 15 4	2,199 13 0	3	73
	Thayetmyo	1	10	202	1	877	51	14,052 9 0	10,214 11 2	1,203 11 4	..	21
Tenasserim.	Amherst	..	13	303	12	653	21	24,820 9 0	19,130 8 0	646 0 0	..	49
	Shwaygyin	6	24	303	24	1,040	41	13,330 4 3	10,318 9 3	1,730 0 7	125	43
	Toungoo	2	6	181	29	579	21	8,360 8 0	5,225 8 4	700 8 0	..	12
	Tavoy	2	7	105	2	166	26	4,682 0 0	3,051 9 6	389 8 0	..	..
	Mergui	..	2	110	3	198	2	3,070 0 0	2,406 0 0	211 0 0	2	2
	Salween	..	2	76	..	45	..	2,680 0 0	2,380 0 0	15 0 0	..	4
	Moulmein	..	22	171	..	1,222	34	12,191 5 0	9,116 0 0	510 0 0	..	10
	Total	121	182	4,943	320	14,203	1,009	2,91,792 1 6	2,13,302 3 6	22,402 2 5	229	534
	In 1879	204	225	4,924	271	15,919	1,065	3,00,137 10 6	2,20,868 5 10	17,778 6 10	69	473

Of 20,249 persons convicted by Magistrates, 13,398 were punished with fine only, being 66 per cent. It was 70 per cent. in 1879, but in 1880 the prosecutions for petty offences were fewer. Severe punishments have increased, there being 320 persons rigorously imprisoned for over two years, as against 271. Whippings are rather fewer, and cases of solitary confinement much fewer. So far as I can estimate our requirements, all these variations are satisfactory. Out of Rs. 2,91,792 of fines imposed, Rs. 2,13,302 were realized, being a percentage of 73·10; last year it was 73·42; in 1877 it was 72·35. The amount paid as compensation under section 308 of the Procedure Code was Rs. 22,402, or 7·68 per cent. of the amount imposed; last year it was only 5·92. In some courts this important section has remained a dead-letter.

Two hundred and twenty-nine persons were required to find security for keeping the peace and 534 for good behaviour. In 1879 the numbers were 69 and 473. In Shwaygyin 125 were bound over to keep the peace; in 1879 the number was 20. In Hanthawaddy and Tharrawaddy, where no such cases occurred in 1879, the numbers bound over to keep the peace were 27 and 49 respectively.

5. In the subjoined table is shown the number of appeals from Subordinate Magistrates and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals:—

Division.	Name of district.	Number of persons convicted.	Number of persons who appealed.	Number of persons in whose cases: Sentence was confirmed or appeal rejected.	Sentence modified: Enhanced.	Sentence modified: Reduced.	Sentence reversed or proceedings quashed.
Arakan.	Akyab	797	38	18	3	2	14
	Do. town	405	26	12	2	1	11
	Kyoukpyoo	138	..	..	..	..	..
	Sandoway	6	..	..	..	..	..
	Northern Arakan	972	21	10	1	7	3
Pegu.	Hanthawaddy	1,490	75	15	..	26	11
	Thonegwa	1,747	48	29	1	..	18
	Bassein	1,695	43	21	3	9	10
	Henzada	948	13	7	..	..	4
	Tharrawaddy	1,202	63	30	..	16	17
	Prome	487	58	15	1	8	34
	Thayetmyo	187	15	..	..	1	14
Tenasserim.	Amherst	1,203	53	14	..	21	16
	Shwaygyin	607	25	16	1	5	3
	Toungoo	237	37	23	..	8	6
	Tavoy	52	2	1	..	1	..
	Mergui	19	..	..	..	..	..
	Salween	..	..	..	..	..	..
	Moulmein	12,252*	517	211	12	105	161
	Total ..	11,758	630	288	9	128	196
	In 1879 ..						

* Persons sentenced by Magistrates from whose sentence no appeals were preferred are not included in this column.

Out of 12,252 persons sentenced by Subordinate Magistrates only 517 appealed, but of these 266 got the sentences reversed or reduced, 12 sentences were enhanced, and 211 were left alone. The proportion of reversals was a fraction less than 1 in every 3 sentences appealed; exactly the same as last year. The work of the Courts of Session is shown below:—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with assessors	Number of cases in which Judge disagreed with assessors.	Remarks.
Arakan.	Commissioner and Sessions Judge	76	17	57	9	15·9	1	..	34	10	
Pegu.	Commissioner and Sessions Judge	119	29	84	23	44·	5	14	21	35	
Tenasserim.	Commissioner and Sessions Judge	54	29	20	8	26·	3	..	15	8	Two charges withdrawn.
	Judge of Moulmein ..	34	17	13	..	25·	4	..	..	..	
	Judicial Commissioner ..	79	38*	40	8†	26·	1	..	19	13	
	Total ..	362	130	214	48	27·38	14	14	89	66	Two charges withdrawn. Two died or transferred.
	In 1879 ..	289	72	184	34	32·64	26	27	74	54	Five died; two transferred.

* Seven confirmed by Special Court and one commuted to transportation for life.
† One person included in this column being of an unsound mind was sent to the Lunatic Asylum and the case reported to the local Government.

6. The result of appeals from Magistrates to Courts of Session was as follows:—

Division.	Name of district.	Number of persons convicted in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Sentences		Number of persons whose sentences were reversed or proceedings quashed.	Remarks.
					Enhanced.	Reduced.		
Arakan.	Akyab	761	24	11	..	2	7	1 not appealable. 2 remanded. 1 transferred to Judicial Commissioner.
	Do. town							
	Kyoukpyoo	..	..	..	..	..	..	
	Sandoway	134	13	10	..	..	2	1 not appealable.
	Northern Arakan ..	..	..	..	..	..	..	
Pegu.	Hanthawaddy	122	98	51	..	16	28	3 pending.
	Thonegwa	188	35	23	..	7	5	
	Bassein	245	48	40	4	1	3	
	Henzada	262	37	29	..	5	3	
	Tharrawaddy	198	32	21	..	5	4	2 pending.
	Prome	286	79	55	2	8	10	4 ditto.
	Thayetmyo	126	53	34	4	3	12	
Tenasserim.	Amherst	219	29	15	..	7	6	1 referred to High Court.
	Shwaygyin	182	56	37	3	2	13	1 pending.
	Toungoo	98	64	50	2	4	6	2 rejected, as the appeals lay to the High Court.
	Tavoy	51	13	9	1	2	1	
	Mergui	42	10	5	..	1	4	
	Salween	58	..	..	..	..	..	
	Moulmein	95	6	2	1	1	2	
	Total ..	3,067	597	392	17	64	106	10 pending. 2 remanded. 2 not appealable. 2 rejected. 1 referred. 1 transferred.
	In 1879 ..	2,512	579	392	11	46	104	

Out of 3,067 persons whose sentences were appealable 597 appealed, and the sentences passed on 106 were reversed and those on 64 reduced.

7. The work of Appellate Courts is shown in the subjoined table:—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.
Arakan.	Mr. W. deC. Ireland, Deputy Commissioner Akyab ..	38	37	..	11·	1	..
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, Kyoukpyoo	19	19	..	4·4	..	..
	Major M. C. Poole, Deputy Commissioner, Sandoway ..	..	..	..	..	..	..
	Mr. G. J. S. Hodgkinson, Officiating Commissioner, Arakan.	22	20	2	9·3	..	..
	Major W. C. Plant, ditto ditto, ditto.	1	1	..	8·	..	..
	Mr. W. deC. Ireland, ditto ditto, ditto.	6	6	..	9·2	..	..
	Colonel E. B. Sladen, Commissioner of Arakan ..	4	4	..	8·5	..	..
Pegu.	Major W. C. Plant, Mr. H. Buckle, } Deputy Commissioners, Hanthawaddy..	13	13	..	1·	..	..
	,, G. L. Weidemann, ,, H Buckle, } Deputy Commissioners, Thonegwa.	35	34	...	9·	1	..
	Colonel W. Munro, Deputy Commissioner, Bassein ..	48	48	..	19·	..	..
	Major H. R. Spearman, Deputy Commissioner, Henzada ..	30	30	..	12·13	..	..
	Mr. W. C. Midwinter, ditto ditto Tharrawaddy. ,, G. J. S. Hodgkinson, ditto ditto, ditto }	13	13	..	6·9	..	..
	Mr. A. Hough, Deputy Commissioner, Prome	46	46	..	3·73	..	..
	Colonel H. N. Davies, Deputy Commissioner, Thayetmyo ..	33	33	..	6·75	..	..
	,, H. A. Browne, Commissioner of Pegu Major W. C Plant, Officiating Commissioner of Pegu } ..	236	227	..	15·	9	6
	Mr. R. J. Crosthwaite, Officiating Judicial Commissioner, as Sessions Judge	82	80	..	30·	2	2
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst ..	4	4	..	12·	..	..
	Major C. H. A. Gower, Deputy Commissioner, Shwaygyin ..	29	27	..	8·	2	..
	,, G. A. Strover, ditto ditto Toungoo ..	18	17	1	5·	..	..
	,, W. G. Hughes, ditto ditto, Tavoy ..	37	37	..	4·	..	..
	Captain J. Butler, ditto ditto, Mergui ..	2	2	..	6·	..	..
	Mr. J. C. Davis, Assistant Commissioner, Salween ..	..	..	..	..	..	..
	,, D. G. Macleod, ,, A. R Birks, } Sessions Judges, Moulmein ..	5	5	..	10·	..	..
	Colonel A. G. Duff, Commissioner, Tenasserim.. ..	98	96	..	15·	2	..
	Major W. C. Plant, Officiating Commissioner, Tenasserim ..	37	37	..			
	Total ..	856	836	3	9·49	17	8
	In 1879 ..	836	808	4	11·4	23	..

The number of appeals, not appellants, was 856 as against 836, in the year before: 227 were disposed of by the Commissioner of Pegu, 133 by the Commissioner of Tenasserim, 80 by the Judicial Commissioner as Sessions Judge of Hanthawaddy, and 31 by the Commissioner of Arakan: 20 appeals remained undisposed of.

8. In the subjoined table is shown the work of the court of the Judicial Commissioner as a court of appeal:—

Division.	Designation of tribunal and name of Deputy Commissioner or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				Pending.
				Confirmed.	Modified.		Reversed.	
					Enhanced.	Reduced.		
Arakan.	Mr. W. deC. Ireland, Deputy Commissioner, Akyab ..	4	2	1	..	..	..	1
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, Kyoukpyoo	3	3	..	..	..	..	..
	Major M. C. Poole, Deputy Commissioner, Sandoway ..	4	3	1	..	..	..	..
	Mr. G. J. S. Hodgkinson, Officiating Commissioner, Arakan ..	38	26	4	1	3	4	..
	,, W. deC. Ireland, ditto ditto ditto.	6	1	..	..	4	1	..
Pegu.	Mr. H. Buckle, Deputy Commissioner, Hanthawaddy ..	16	2	6	3	..	5	..
	Major W. C. Plant, Deputy Commissioner, Hanthawaddy ..	3	..	1	..	..	..	2
	Mr. G. L. Weidemann, Deputy Commissioner, Thonegwa ..	38	11	6	..	1	15	..
	Colonel W. Munro, ditto ditto, Bassein ..	28	21	1	..	2	4	..
	Major H. R. Spearman, ditto ditto, Henzada ..	16	12	..	..	..	2	
	Mr. W. C. Midwinter, Officiating Deputy Commissioner, Tharrawaddy	8	3	8	..	1	6	..
	Mr. A. Hough, Deputy Commissioner, Prome	24	14	4	..	..	4	2
	Major W. C. Plant, Officiating Commissioner, Pegu ..	22	14	1	..	1	1	5
	Colonel H. A. Browne, Commissioner, Pegu	47	21	3	8	5	1	9
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst ..	1	1	..	..	..	..	..
	Major G. A. Strover, Deputy Commissioner, Toungoo ..	26	15	2	..	4	5	..
	,, C. H. A. Gower, ditto, Shwaygyin ..	1	..	..	..	..	1	..
	,, W. G. Hughes, ditto, Tavoy ..	1	1	..	..	..	..	..
	Mr. D. G. Macleod, Judge, Moulmein	1	..	..	..	1	..	..
	,, A. R. Birks, Officiating Judge, Moulmein	4	1	..	..	2	..	1
	Major W. C. Plant, Officiating Commissioner, Tenasserim ..	4	2	2	..	..	..	..
	Colonel A. G. Duff, Commissioner, Tenasserim	9	6	..	..	2	1	..
	Total ..	309	159	40	12	26	50	22
	In 1879 ..	206	132	24	3	11	30	6

These appeals are from the four Courts of Session and the 17 Deputy Commissioners exercising special powers under section 36 of the Procedure Code. There was a great increase in this jurisdiction; 303 persons appealed, as against 190 in 1879: 281 were disposed of, and the appeals of 22 remained on the file.

9. The work of the Judicial Commissioner's court as a court of revision is shown in the next table:—

Division.	Name of district.	Number of persons whose cases were called for.	Sentence				Pending.	Remarks.
			Confirmed.	Modified		Reversed.		
				Enhanced.	Reduced.			
Arakan.	Akyab	124	73	..	2	44	5	
	Do. town	50	25	..	1	16	8	
	Kyoukpyoo	123	81	5	2	29	6	
	Sandoway	16	15	..	..	..	1	
	Northern Arakan ..	11	2	..	..	9	..	
	Commissioner of Arakan ..	3	3	..	..	..	..	
Pegu.	Hanthawaddy	202	161	1	2	22	16	
	Thonegwa	15	12	..	1	2	..	
	Bassein	96	79	1	..	9	7	
	Henzada	106	77	..	..	6	23	
	Tharrawaddy	142	97	..	2	20	23	
	Prome	70	36	1	6	12	15	
	Thayetmyo	43	21	..	2	19	1	
	Commissioner of Pegu ..	18	12	6	..	..	..	
Tenasserim.	Amherst	153	125	..	2	14	12	
	Shwaygyin	62	52	..	2	8	..	
	Toungoo	65	24	3	1	32	5	
	Tavoy	116	93	1	..	12	10	
	Mergui	6	6	..	..	..	..	
	Salween	18	8	..	..	3	7	
	Moulmein	20	16	2	..	..	2	
	Commissioner of Tenasserim	7	5	..	2	..	..	
	Total ..	1,461	1,018	20	25	257	141	
	In 1879 ..	1,613	899	12	80	321	301	5 reported to local Government.

The cases of 1,160 persons were called for in the year; those of 301 others were pending when the year began; those of 1,320 were disposed of; and of 141 remained pending. The cases of 1,018 were left alone and those of 302, or 22·88, of the disposals were interfered with. The percentage in the year before was 31. These figures must be considered along with those about appeals. In justice to the Native officers, it must be remarked that there are no published reports of cases decided by the Judicial Commissioner. It is the practice to circulate important judgments and orders in English, and the Rangoon newspapers have given the only general publicity these proceedings ever get by inserting them very often in their daily issues, and have thus done a service to justice. Mr. Christopher, an Advocate, has, under the patronage of the Chief Commissioner, compiled a volume which will contain all the general orders and circulated judgments of the Judicial Commissioner, and has undertaken a translation in Burmese. The former will be convenient to the European officers; and the Burmese edition will, I am convinced, be a guide to the Native Judges, who take a long time to understand our lengthy Procedure Codes. If a new Code is substituted for that of 1872 their difficulties will begin again, and the existing rulings will become obsolete as guides. In reporting on this subject Mr. Crosthwaite "earnestly deprecated any re-arrangement" of the existing Code, and added "if any amendments are thought necessary, I would submit that they should be "made in the sections as they stand." I concur in this opinion, especially as regards the Myookes, and would wait until Mr. Bernard's proposals for improving

their prospects and securing more educated men have been carried into effect, and until our procedure is better comprehended by the police and the people.

10. The subjoined table shows the work of the court of the Judicial Commissioner as a court of reference for the confirmation of capital sentences :—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan ..	Mr. G. J. S. Hodgkinson, Officiating Commissioner, Arakan	8	6	2	..	..
Pegu ..	Major W. C. Plant, Officiating Commissioner, Pegu ..	11	9	1	1	..
	Colonel H. A. Browne, Commissioner, Pegu.. ..	12	7	2	1	2
Tennasserim ..	Major W. C. Plant, Officiating Commissioner, Tenasserim	2	2	..	..	..
	Colonel A. G. Duff, Commissioner, Tenasserim ..	5	3	1	1	..
	Total ..	38	27	6	3	2
	In 1879 ..	30	21	1	6	2

Thirth-eight capital sentences were referred for confirmation, of which 27, were confirmed.

11. The financial result of the rules regulating the fees chargeable for the service of processes in the remuneration of peons is shown in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
		Rs.	Rs. A. P.	Rs. A. P.
Arakan.	Akyab	2,936	2,122 0 0	1,857 15 0
	Do. town			
	Kyoukpyoo	1,235	826 8 0	629 0 0
	Sandoway	489	303 0 0	287 0 0
	Northern Arakan	..	....	....
Pegu.	Hanthawaddy	1,722	1,291 0 0	1,154 8 0
	Thonegwa	1,661	1,165 8 0	349 8 0
	Bassein	2,977	2,076 8 0	1,033 4 0
	Henzada	1,897	1,375 8 0	825 9 0
	Thaurawaddy	797	550 0 0	583 10 0
	Prome	2,576	1,750 8 0	1,309 14 0
	Thayetmyo	923	670 0 0	264 0 0
Tenasserim.	Amherst	1,520	1,068 0 0	686 0 0
	Shwaygyin	1,550	1,058 8 0	710 4 0
	Toungoo	1,622	1,031 8 0	732 8 0
	Tavoy	511	378 0 0	312 0 0
	Mergui	354	284 0 0	136 6 0
	Salween	37	26 8 0	114 0 0
	Moulmein	2,133	1,668 0 0	1,308 0 0
	Total ..	24,890	17,595 0 0	12,333 6 0
	In 1879 ..	23,618	17,016 0 0	12,561 11 10

There has been an increase in processes and in fees and a small decrease in charges.

12. I have endeavoured at the risk of undue length to make use of the excellent reports written by the Commissioners and Deputy Commissioners; and in concluding this review I would express my opinion that the administration of justice is improving. Much remains to be done; but, as well as I can judge, crime has on the whole decreased, serious crime has been more adequately punished, and the people have itched less under prosecutions for petty offences. More injured persons have received compensation. My returns do not show how much stolen property was recovered. The divisional and district officers have exercised more control over their subordinates. Much of this improvement has resulted from Mr. Crosthwaite's constant and careful directions on matters of law and procedure and his visits to the local courts. I believe too that he would concur with me in expressing our obligations to the Chief Commissioner for co-operation received in many ways, among others in visits paid by the Chief Commissioner to remote courts which the Judicial Commissioner was unable to visit, and suggestions on general matters which a Judicial Commissioner is glad to receive.

JOHN JARDINE,

Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STAEMENT 1.

Showing the various Judicial Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1880.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and Jury or Assessors, if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. European. Covenanted.	Commissioned military officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipt from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
												Rs. A. P.		Rs. A. P.	Rs. A. P.							
Extra Assistant Commissioner exercising criminal powers only. Paid.	1	...	...	1	1	Magistrate of 2nd class ..	...	..	..	1	...	3,000 0 0	..		1,622 0 0	Sub-Registrar of town lots and Superintendent of Stamps, and Treasury Officer in charge of land sale and rent fund.	183	20	741	.		...
Assistant Magistrate, Rangoon, exercising criminal powers. Paid.	1	...	...	1	1	Magistrate of 1st class and Justice of the Peace.		1	..	...	..	7,200 0 0			879 0 0	Member of Cantonment Committee and Personal Assistant to the Chief Commissioner.	294	20	2,928	. ...	...	..
Town Magistrate and Deputy Commissioner, Rangoon, exercising criminal revenue powers. Paid.	1		...	1	1	District Magistrate of 1st class and Justice of the Peace.		..	1	..	..	12,000 0 0	...	41,091 4 0	62 0 0	Collector of Revenue, President of the Municipality, Hospital, and Dalhousie Park Committees, Member of Cantonment Committee, Port Commissioners, Boundary Officer, Judge of Court of Survey, Official Visitor, Lunatic Asylum and Central Jail Registrar, Commandant, Rangoon Volunteer Rifles.	64	20	234	. ..	...	...

Small Cause Courts confined to proper functions.			1,92,000			.....	...	...	...	...	...	...	..	.	...	.			...							
Small Cause Court, 2nd Judge. Paid.	1	.	...	1	1	Original jurisdiction up to Rs. 500	...	...	...	...	1	...	*1,500	3,794 0 0	2,195 8 0	....		33	...		Reg. 384 Misc. 248	...	This Court has been closed since 1st April 1880.			
Small Cause Court, 1st Judge. Paid.	1	...	...	1	1	Original jurisdiction up to Rs. 1,000	...	...	...	1		12,000 0 0	...	18,214 13 0	23,406 12 0	....		18	...		Total 632 Reg. 2,963 Mics. 2,056					
						Civil.															Total 5,019					
Recorder's Court exercising original, civil, criminal, admiralty, and insolvency jurisdictions.	1	45	...	1	1 Judge and five Jurors.	Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes.	Barrister of not less than five years' standing.	...	...	1 1†	...	30,000 0 0 6,342 4 5	...	52,176 15 1	33,581 1 0	One of the Judges of the Special Court, British Burma.	Every day, Sundays and authorized holidays excepted.	15	As a Court of Sessions 56 As a High Court ... 12					44 criminal appeals and revisions.		
						Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof.													Total ... 68		Regular ... 192 Admiralty ... 1 Matrimonial ... 1 Insolvency ... 27 Miscellaneous ... 233				
						Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein.															Total ... 454				
						Powers of a District Judge ...																				
						Powers of a District Judge under the Indian Divorce Act throughout British Burma.																				
						Powers of a High Court in respect of the Court of Small Causes, Rangoon.																				
						Criminal.																				
						Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon.																				
						Criminal appellate jurisdiction.																				
						Powers of a High Court for the trial of European British subjects throughout British Burma.																				
						Powers of a High Court in respect of the Magistrates of the town of Rangoon.																				

* For 3 months of the year.
† Additional Recorder from 10th August to 13th November 1880.

ABSTRACT.

1 Recorder.
1 Assistant Commissioner.

1 Deputy Commissioner and Town Magistrate.
1 Extra Assistant Commissioner.

1 First Judge Small Cause Court.

JUDICIAL STATEMENT 2. (CRIMINAL.)

Statement of offences reported and of persons tried, convicted and acquitted for each offence in the town of Rangoon for the year 1880.

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
CLASS I.							
OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.							
Relating to coin, stamps, weights and measures.							
Passing or possessing bad or altered coin	3	4	1	...	...	...	3 committed
Making, using or possessing false weights or measures	1	1	...	1	...	...	...
Against public justice.							
Personating public servant or soldier	3	4	...	4	...	...	..
Resisting, obstructing or omitting to assist public servant	1	1	1	...	...	...	...
Disobedience of lawful order, causing injury	1	2	2	...	...	...	...
Harbouring an offender	1	4	1	...	...	.	3 committed
Escape from lawful custody or transportation	6	7	...	7	...	...	...
Absconding from, avoiding or disobeying summons or notice or order to attend or produce or refusing to answer or sign	1	5	...	5	...	...	..
By public servants.							
Taking valuable things by or to influence public servants	22	22	4	1	...	...	17 committed
Public servant negligently suffering escape	4	7	5	2	...	...	...
Breach of Police Act by Police Officers	13	16	1	15	...	...	...
False evidence, false complaints or claims, and forgery	1	1	...	1	...	...	...
Giving false evidence	1	1	...	1	...	...	.
False charge of offence	11	14	6	7	...	...	1 committed
Frivolous or vexatious complaint	8	8	...	8	...	...	..
Forgery or fraudulently using or possessing forged document	3	5	2	...	...	...	3 committed
Making or using false trade-marks	1	1	1	...	...	...	...
Public nuisances.							
Public nuisances under Penal Code	18	44	6	38	...	...	...
Nuisances under Police or Municipal and Local Acts	1,275	3,852	220	3,625	...	1	...
Relating to the public peace.							
Rioting or unlawful assembly	2	14	3	11	...	...	...
Affray	20	93	12	81	...	...	...
Offences relating to religion	1	2	...	2	...	...	...
Total Class I	1,397	4,108	271	3,809	...	1	27 committed
CLASS II.							
Offences against the person.							
Murder	4	3	...	...	...	...	3 committed
Attempt to murder	1	1	...	..	...	...	1 do.
Culpable homicide	2	3	1	...	...	...	2 do.
Attempt to commit suicide	1	1	...	1	...	...	
Grievous hurt	11	17	5	11	...	...	1 committed
on grave and sudden provocation	1	1	...	1	...	...	...
Hurt	49	63	17	46	...	...	...
Hurt by dangerous weapons	27	30	8	21	...	1	...
Act dangerous to life or safety	12	21	10	11	...	...	...
Wrongful restraint	2	4	3	1	...	...	...
Do confinement	3	5	2	3	...	...	...
Assault or use of criminal force	975	1,131	780	349	...	2	...
Criminal intimidation or insult	171	208	187	80	...	1	...
Assault on woman	4	4	4	...	...	...	...
Kidnapping or abduction	2	4	...	...	...	...	4 committed
Abducting a woman to compel marriage or for defilement	3	5	2	...	...	...	3 do.
Enticing a married woman with criminal intent	8	12	12	...	...	...	...
Adultery	9	9	8	...	...	1	...
Rape	1	1	...	...	...	...	1 committed
Defamation	6	6	3	2	...	1	...
Total Class II	992	1,589	1,042	526	...	6	15 committed
CLASS III.							
OFFENCES AGAINST PROPERTY.							
With violence.							
Robbery with hurt or deadly weapon	2	2	1	...	...	...	1 committed
Robbery	1	2	...	...	...	...	2 do.
Extortion	1	1	...	1	...	...	...
House-breaking or house-trespass, in order to commit theft	19	25	9	12	...	2	2 committed
House-breaking or house-trespass, in order to commit an offence other than theft	1	1	1	...	...	...	...
House-breaking or house-trespass, with preparation for, or attempt at, hurt	2	5	2	3	...	...	...
House-breaking or lurking	6	9	1	8	...	...	...
House-trespass	5	5	2	3	...	...	...
Carried over	37	50	16	27	...	2	5 committed

JUDICIAL STATEMENT 2—(CRIMINAL).

Statement of offences reported, &c.—concluded.

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	REMARKS.
Brought forward ...	87	50	16	27	...	2	5 committed
Without violence.							
Theft	583	464	52	396	...	...	16 committed
Dishonestly receiving stolen property	58	69	15	42	...	...	12 do.
Dishonest misappropriation of property	17	18	3	15	...	...	...
Criminal breach of trust	23	45	10	34	...	...	1 committed
Cheating	15	17	10	6	...	1	...
Malicious offences.							
Mischief, ordinary	12	15	9	6	...	...	...
Criminal trespass or house-trespass	30	52	23	29	...	...	...
Breaking closed receptacle	1	1	...	1	...	...	...
Total Class III ...	776	731	138	550	...	...	34 committed
CLASS IV.							
Offences not included in the above classes.							
Assault on police officers	2	2	2	...	...	...	...
Negligent conduct with fire	14	16	2	14	...	...	...
Forfeiture of security	5	6	...	6	...	...	...
Adulterating food or drink	2	2	1	1	...	...	...
Rash driving	1	1	...	1	...	...	...
Vagrancy without ostensible means of livelihood	30	42	8	34	...	...	...
Bad habit and repute	11	53	32	21	...	...	...
Criminal breaches of contracts of service	4	34	9	25	...	...	...
Omitting to take order with animals	2	2	1	1	...	...	...
Maintenance	20	20	11	8	...	1	...
Total Class IV ...	91	178	66	111	...	1	...
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.							
Breaches of laws relating to—							
Excise on spirits and drugs (*Abkarse*)	70	102	12	90	...	...	...
Customs Act	2	3	...	3	...	...	...
Jails	3	4	...	4	...	...	...
Gaming and lotteries	152	946	67	879	...	...	...
Possession of Arms	4	6	1	5	...	...	...
Merchant Shipping Act	52	125	40	85	...	...	...
Ferry Act, II of 1873	4	10	8	2	...	...	...
Port Rules	4	5	5	...	...	...	...
Railway Act	8	8	1	7	...	...	...
Cantonment Rules	152	268	27	236	...	...	...
Carriages, carts and boats	166	432	73	359	...	...	...
Lock Hospital Rules	90	170	...	170	...	...	...
Total ...	716	2,074	234	1,840	...	...	...
ABSTRACT.							
I Offences under Class	1,397	4,108	271	3,809	...	1	27 committed
II Do. do. ,, ...	992	1,589	1,042	526	...	6	15 ditto
III Do. do. ,, ...	776	731	138	556	...	3	34 ditto
IV Do. do. ,, ...	91	178	66	111	...	1	...
Breach of special laws of the province	716	2,074	234	1,840	...	...	...
GRAND TOTAL ..	3,972	8,680	1,751	6,842	...	11	76 committe

JUDICIAL STATEMENT 3—(CRIMINAL).

Statement showing the general result of Criminal Trials in the Tribunals of various classes in the Town of Rangoon in the year 1880.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year.	*Brought to trial during present year.*														
		Under arrest by police.	Upon warrant.	On summons.	Voluntarily.	Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Extra Assistant Commissioner with 2nd class powers	.....	404	26	1,049	.....	.....	1,479	493	280	703	1	.....	2	3½	529	
Assistant Town Magistrate with 1st class powers	4	6,193	54	716	.....	.....	6,967	215	714	5,955	74	.....	9	1¼	4,600	
Senior Town Magistrate with 1st class powers	.....	200	.....	34	.....	.....	234	6	43	184	1	.....	.....	1¾	186	
Total Magistracy ...	4	6,797	80	1,799	.....	.....	8,680	714	1,037	6,842	76	.....	11	2·21	5,315	
Recorder's Court exercising the powers of a Sessions Court ...	4	82	.....	.....	.....	.....	86*	11	18	51	1(*a*)	.....	5(*b*)	59	298	1(*a*).—The Additional Recorder in this case disagreeing with the verdict of a majority of Jurors, who acquitted accused, referred the case to the Special Court under section 263.
Recorder's Court exercising the powers of a High Court ...	.....	12	.....	.....	.....	.....	12	2	4	6	.....	.....	.....			5(*b*).—Actually two persons, one person being charged with four separate offences.
GRAND TOTAL ...	8	6,891	80	1,799	.....	.....	8,778	727	1,059	6,899	77	.....	16	.....	5,613	

* There were actually 67 persons tried; 19 persons were tried on several other offences n addition and separate cases made.

JUDICIAL STATEMENT 4—(CRIMINAL).

Statement showing the punishments inflicted by various Criminal Tribunals in the town of Rangoon in the year 1880.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENT.																							
																FINE.									IMPRISONMENT.												WHIPPED.		
																									15 days.		6 months.		2 years.		7 years.		Above 7 years.					
	Death.	TRANSPORTATION. For life.	TRANSPORTATION. For a term.	Penal servitude.	IMPRISONMENT. Rigorous. With solitary confinement.	IMPRISONMENT. Rigorous. Without solitary confinement.	IMPRISONMENT. Simple.	Forfeiture of property.	FINE. With imprisonment.	FINE. Without imprisonment.	WHIPPING. In addition to other punishment.	WHIPPING. In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.
																						Rs. A. P.	Rs. A. P.	Rs. A. P.													
Extra Assistant Commissioner	...	...	...	...	...	48	...	...	2	629	3	19	1	...	6	509	110	10	1	...	...	5,496 00	4,564 00	586 00	26	...	19	...	3	...	...	...	...	...	9	13	...
Assistant Magistrate, Rangoon	...	..	...	...	15	426	20	...	3	5,232	28	196	...	17	27	4,341	621	235	38	...	...	50,203 00	36,703 00	1,032 00	86	8	272	12	83	...	...	...	...	...	27	197	...
Senior Town Magistrate, Rangoon	...	...	...	...	...	12	...	...	...	167	...	1	3	...	1	148	13	4	2	...	...	1,387 00	1,214 00	1 0 0	1	...	9	...	2	...	...	...	...	...	...	1	...
Total ...	...	...	...	...	15	486	20	..	4	6,028	31	216	4	17	34	4,993	744	249	41	...	...	57,086 00	42,481 00	1,619 00	113	8	300	12	88	...	...	...	...	...	36	211	..
Recorder's Court exercising the powers of a Sessions Court	1	1	3	...	...	45	1	...	1	...	...	...	...	...	...	...	...	...	...	...	1	1,500 00	.....	.....	...	...	6	...	8	1	26	...	8	...	...	...	...
Recorder's Court exercising the powers of a High Court ...	...	...	...	...	...	2	4	...	4	...	...	...	...	...	...	..	...	1	2	1	...	2,100 00	100 00	.....	...	...	...	1	...	3	2	...	...	...	...	...	...
GRAND TOTAL ...	1	1	3	...	15	533	25	...	9	6,028	31	216	4	17	34	4,998	744	250	43	1	1	60,686 00	42,581 00	1,619 00	113	8	306	13	96	4	28	...	8	..	36	211	...

JUDICIAL STATEMENT 5—(CRIMINAL).

Statement showing the result of Appeal and Revision in Criminal Cases in the Town of Rangoon during the year 1880.

TRIBUNAL	Number of appellants or persons applying for revision under section 404, Cr. P.	NUMBER OF PERSONS.								REMARKS.
		Appeals or applications rejected	Sentences confirmed	Sentences modified.	Sentences reversed	Proceedings quashed	Further inquiry or evidence ordered	Sentence enhanced	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Recorder's Court exercising the powers of a Court of Sessions ...	61	32	12	3	12	.	1	1	.	
Ditto ditto of a High Court .	1		1		.			..	.	
Total .	62	32	13	3	12	..	1	1	.	

JUDICIAL STATEMENT 11.

Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Town of Rangoon in the year 1880.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jury or Assessors in each case and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note showing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Jurors are employed in all criminal trials before the Recorder as a Court of Sessions and as a High Court for the trial of European British subjects.	Jury of five. No prescribed qualification beyond what is laid down in the Criminal Procedure Code.	48	...	47	1	...	...		In ten cases the accused pleaded guilty and ten cases were withdrawn by the Government Advocate.

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT 1.

Statement showing the various Judicial Tribunals, Original and Appellate, existing in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1880.

CLASS OF TRIBUNAL. Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors, if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. European: Covenanted.	European: Commissioned military officers.	European: Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
												Rs. A. P.	Rs. A. P.	Rs. A. P.								
Local and Subordinate Magistrates exercising criminal powers only, unpaid	1	...	...	1	1 Judge ...	Magistrate of 3rd class under section 20, Act X of 1872.	...	...	...	1	...	...	...	...		Deputy Conservator of Forests.	...	...	115	...	...	...
Ditto ditto exercising criminal powers only. Paid.	1	...	...	1	1 do. ...	Ditto ditto	...	...	1	...	...	1,200-0-0	...	1,200-0-0		...	...	1	88	...	...	...
Ditto ditto exercising civil powers only. Paid.	2	...	...	2	1 do. ...	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under sections 12 and 13 of Act XVII of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	...	...	..	2	...	4,800-0-0	11,058-0-0		...	...	12	...	2,113	...	...
Ditto ditto exercising criminal, civil and revenue powers. Paid.	92	...	...	92	1 do. ...	Magistrates of the 2nd and 3rd classes under section 20, Act XVII of 1875, civil original jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII of 1875, with revenue powers under the rules of the province.	...	5	1	3	83	4,970-0-0	3,000-0-0	2,79,999-5-6		...	...	12	10,650	21,475	7,454	...
Ditto ditto exercising criminal, civil and revenue powers. Paid.	1	...	...	1	1 do. ...	Magistrates of the 3rd class under section 20, Act X of 1872, civil original jurisdiction of whatever value or amount under section 2 (*a*) of the Arakan Hills Civil Justice Regulation, 1874, revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200-0-0	2,957-1-9		...	... holidays excepted.	...	12	28	...	...

Small Cause Courts confined to proper functions. Paid.	1	13	57,882	1	Both under Act XVII of 1875. One Judge for both Courts. Jurors employed in Sessions trials.	Civil original jurisdiction in civil suits up to Rs. 1,000 under section 12 of Act XVII of 1875.	...	...	...	1	...	17,520-0-0	...	31,273-2-9	Rs. 4,71,104-10-0.	Sessions Judge	Sundays and	10	...	2,488	...	...
Court of the Judge of the Town of Moulmein. Paid.	1			1		Civil original sessions and criminal appeal under Act XVII of 1875; also powers of a Small Cause Court with jurisdiction up to Rs. 1,000 under section 12, Act XVII of 1875.												7	22	130	...	5
Magistrate of 1st class exercising criminal powers only. Paid.	1	...	...	1	1 Judge	Magistrate of the 1st class under section 20, Act X of 1872, and Justices of the Peace.	...	1	...	...	...	6,000-0-0	...	8,808-0-0		...	...	32	637	...	...	...
Magistrates of 1st class exercising criminal, civil, and revenue powers. Paid.	15	...	...	15	1 do.	Magistrates of the 1st class under section 20, Act X of 1872, and Justices of the Peace; civil jurisdiction up to Rs. 3,000 under Act XVII of 1875; revenue powers under the rules of the province.	...	7	5	3	...	7,400-0-0	...	1,44,054-0-0		...	...	24	3,292	1,004	1,002	...
Magistrates of districts exercising criminal, civil, and revenue powers, as also special powers under section 36 of Act X of 1872. Paid.	17	...	...	17	1 do.	Magistrates of the 1st class under section 20, of Act X of 1872, civil original jurisdiction in all suits of whatever value or amount, with appellate civil powers over all courts of grade (1) and of grade (2) as defined in section 12, Act XVII of 1875. Revenue, original, and appellate powers as in the revenue rules of the province; also additional powers under section 36, Act X of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts and are also Justices of the Peace. One Judge civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the courts in his district under section 2 (b) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	2	10	5	...	16,850-0-0	...	3,28,596-5-1		...	...	54	2,741	147	3,923	2,196
Sessions Courts. Paid.	3	...	...	3	1 do. with Assessors in Sessions trials.	Powers of Court of Sessions under section 15, Act X of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief courts of districts and Magistrates of the 1st class. Powers of a High Court in all civil matters in the Hill district of Arakan.	...	...	3	...	...	32,333-5-0	...	1,35,970-10-8		...	...	11	129	4	...	421
Court of the Judicial Commissioner. Paid.	1	...	...	1	1 Judge	Powers of a High Court.	...	1	...	...	...	26,400-0-0	...	39,504-0-0	5,065-0-0.	...	...	13	37	...	...	1,167*

*Civil 154; Criminal 234; Appeals as Courts of Sessions 80; Revisions (civil) 13; Revisions (criminal) 686,—Total 1,167.

ABSTRACT.

1 Judicial Commissioner.
3 Commissioners.
1 Judge.

15 Deputy Commissioners.
1 Town Magistrate.
1 Assistant Cantonment Magistrate.

18 Assistant Commissioners.
96 Extra Assistant Commissioners.
1 Honorary Magistrate.

JUDICIAL STATEMENT 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted for each offence in the Province of British Burma (exclusive of the Town of Rangoon), for the year 1880.

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
CLASS I.								
OFFENCES AGAINST THE STATE, THE PUBLIC, AND JUSTICE.								
Relating to coin, stamps, weights and measures.								
Counterfeiting coin	5	5	1	3	...	...	1	
Diminishing or altering coin	1	2	...	2	...	...	...	
Passing or possessing bad or altered coin	4	7	3	2	...	...	2	
Counterfeiting stamps or selling same	1	1	...	1	...	...	...	
Using as genuine counterfeit stamps, or effacing or altering same	2	2	1	1	...	...	...	
Making, using, or possessing false weights or measures	13	33	12	21	...	...	...	
Against Public Justice.								
Personating public servant or soldier	8	9	4	5	...	...	...	
Concealing design to commit offence	1	3	...	3	...	...	...	
Omitting to give information of offence or giving false information	64	88	35	53	...	...	...	
Causing disappearance of evidence	6	15	3	12	...	...	...	
Resisting, obstructing or omitting to assist public servant	54	157	97	59	1	...	...	
Disobedience of lawful order, causing injury	66	283	33	250	...	...	...	
Intentional insult or interruption in judicial proceedings	11	12	1	11	...	...	...	
Harbouring an offender	18	27	7	16	...	4	...	
Taking gift to screen offender	39	55	22	31	...	2	...	
Resistance to lawful apprehension and rescue	48	65	16	49	...	...	...	
Escape from lawful custody or transportation	43	50	9	41	...	...	...	
Absconding from, avoiding or disobeying summons or notice or order to attend or produce or refusing to answer or sign	50	72	25	47	...	...	...	
Failure to attend as juror or assessor	1	2	...	2	...	...	...	
By Public Servants.								
Taking valuable things by or to influence public servants	48	64	30	31	3	...	...	
Public servant acting illegally to injure any person	2	3	1	2	...	...	...	
" " unlawfully trading	...	...	...	...	...	...	...	
" " fraudulently defeating punishment or forfeiture	1	1	...	1	...	...	...	
" " wilfully making order or decision contrary to law	...	...	...	...	...	...	...	
" " intentionally omitting to apprehend, or permitting to escape	8	10	7	2	...	1	...	
" " negligently suffering escape	31	38	10	25	3	...	...	
Breach of Police Act by police officers	44	51	3	48	...	...	...	
False evidence, false complaints or claims, and forgery	3	4	...	4	...	...	...	
Giving false evidence	21	39	26	7	2	...	4	
Fabricating false evidence	2	2	1	1	...	...	...	
Making, issuing, or using false statement or certificate	...	...	...	...	...	...	...	
False personation in judicial proceeding	3	3	...	3	...	...	..	
Fraudulent claim to, or concealment of property or suffering of decree	12	21	15	6	...	...	...	
False claim in court of justice	...	...	...	...	...	...	...	
False charge of offence	33	39	13	26	...	...	...	
Frivolous or vexatious complaint	...	...	...	...	...	...	...	
Forgery or fraudulently using or possessing forged document	9	10	9	...	...	1	6	
Making or using false trade marks	1	...	...	...	...	...	...	
Public Nuisances.								
Public nuisances under Penal Code	1,221	1,925	630	1,281	6	8	...	
Relating to the Public Peace.								
Rioting or unlawful assembly	117	791	290	492	1	8	...	
Omitting to inform of, or prevent riot	...	...	...	...	...	...	...	
Affray	297	1,343	320	975	4	44	...	
Offences relating to religion	17	47	25	22	...	...	...	
Total Class I	2,305	5,285	1,649	3,535	20	68	13	

JUDICIAL STATEMENT 2 (CRIMINAL).

Statement of offences reported, &c.—continued.

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
CLASS II.								
OFFENCES AGAINST THE PERSON.								
Murder... By thugs	...	...	...	...	...	...	...	
Murder... „ dacoits	4	7	...	...	...	...	7	
Murder... „ robbers	6	5	1	...	...	...	4	
Murder... „ poison for sake of robbery	...	...	...	...	...	...	...	
Murder... „ poison from other motives	3	3	...	...	...	...	3	
Murder... Other murders from motives connected with women	6	5	...	...	...	...	5	
Murder... Other murders from other motives	76	101	9	...	...	4	88	
Attempt to murder	16	16	...	2	...	...	14	
Culpable homicide	34	73	14	4	...	...	55	
Abetment of suicide	...	...	...	...	...	...	...	
Attempt to commit suicide	18	17	8	8	...	1	...	
Causing miscarriage	1	3	3	...	...	...	...	
Exposure of infant or concealment of birth	7	10	...	10	...	...	...	
Grievous hurt	120	180	54	104	...	1	21	
„ on grave and sudden provocation	54	59	30	27	1	...	1	
Hurt	1,033	1,767	721	1,038	9	17	2	
Hurt by dangerous weapons	200	416	154	258	1	2	1	
Causing hurt to deter public servant	1	1	...	1	...	...	...	
Causing hurt to extort property or confession	10	22	9	11	...	2	...	
Act dangerous to life or safety	103	144	93	51	...	...	...	
Wrongful restraint	38	55	29	17	...	9	...	
„ confinement	17	34	20	14	...	...	...	
„ „ to extort property or confession	6	17	2	14	...	1	...	
Assault or use of criminal force	2,216	3,319	91 02	1,301	1	23	2	
Criminal intimidation or insult	954	1,175	743	428	...	4	...	
Causing annoyance in state of intoxication	62	85	7	77	1	...	...	
Unlawful compulsion of labour	...	...	...	...	...	...	...	
Buying or disposing of any person as a slave	1	2	2	...	...	...	...	
Kidnapping or abduction	43	61	33	18	...	...	10	
Abducting a woman to compel marriage or for defilement	5	7	5	2	...	...	...	
Selling, letting, or unlawfully obtaining a woman for purposes of prostitution	...	...	...	...	...	...	...	
Enticing a married woman with criminal intent	11	12	6	6	...	...	...	
Fraudulent and unlawful marriages	1	3	...	3	...	...	...	
Adultery	119	70	60	8	...	...	2	
Rape	45	56	29	15	1	2	9	
Unnatural offences	4	5	3	2	...	...	...	
Defamation	62	77	57	20	...	...	...	
Causing death by negligence	3	3	2	1	...	...	...	
Assault or criminal force to a woman	17	21	8	12	1	...	...	
Total class II	5,395	7,851	4,004	3,542	15	60	224	
CLASS III.								
OFFENCES AGAINST PROPERTY.								
With Violence.								
Dacoity	47	137	42	40	1	3	51	
Preparation or assembly for dacoity	5	17	5	10	...	...	2	
Robbery with hurt or deadly weapon	35	74	28	32	...	7	7	
Robbery	86	139	74	52	...	4	9	
Extortion	27	59	32	27	...	...	...	
House-breaking or house-trespass, in order to commit theft	213	244	82	155	1	2	4	
House-breaking or house-trespass, in order to commit an offence other than theft	32	36	22	14	...	...	...	
House-breaking or house-trespass, with preparation for, or attempt at, hurt	44	49	20	24	...	...	5	
House-breaking or lurking	101	86	38	48	...	...	...	
House-trespass	45	13	2	11	...	...	...	
Assault in attempt to commit theft	1	1	1	...	...	...	...	
Without Violence.								
Theft ... of cattle	501	510	180	319	1	9	1	
Theft ... ordinary	6,256	5,216	1,795	3,386	13	13	9	
Dishonestly receiving stolen property	437	682	231	437	...	5	9	
Dishonest misappropriation of property	204	201	121	167	...	3	...	
Criminal breach of trust	177	199	98	94	1	2	4	
Cheating	119	172	119	43	1	9	...	
Fraudulent deeds and disposition of property	1	2	2	...	...	...	...	
Carried over	8,421	7,927	2,892	4,859	18	57	101	

JUDICIAL STATEMENT 2 (CRIMINAL).

Statement of offences reported, &c.—continued.

DESCRIPTION OF OFFENCES.	Number of offences reported during the year.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial.	Committed.	REMARKS.
Brought forward ...	8,421	7,927	2,892	4,859	18	57	101	
Malicious offences.								
Mischief, ordinary	367	608	354	250	1	3	...	
Mischief by poisoning or killing cattle	64	83	50	33	...	...	...	
„ by destroying landmarks	...	...	...	...	...	...	...	
Serious mischief by fire	34	39	18	10	...	...	11	
Criminal trespass or house-trespass	604	1,011	563	420		14	...	
Breaking closed receptacle	...	...	...	...	14	...	...	
Total Class III ...	9,490	9,668	3,877	5,572	33	74	112	
CLASS IV.								
OFFENCES NOT INCLUDED IN THE ABOVE CLASSES.								
Vagrancy without ostensible means of livelihood	76	108	38	70	...	...	...	
Bad habit and repute	2	2	...	2	...	...	...	
Criminal breaches of contracts of service	10	20	8	12	...	...	...	
Escaped from custody for failing to give security for good behaviour ...	1	1	...	1	...	...	...	
Total Class IV ...	89	131	46	85	...	...	...	
BREACHES OF SPECIAL LAWS FOR THE PROTECTION OF THE REVENUE OR ON OTHER SUBJECTS, THE ACTS BEING SPECIFIED.								
Breaches of laws relating—								
To Opium Act—	478	551	155	392	2	2	...	
„ Excise on Spirits and Drugs (*Abkaree*)	1,110	1,250	285	958	2	5	...	
„ Railway Act	83	111	29	82	...	...	...	
„ Post Office Act	3	3	2	1	...	...	...	
„ Jails	37	53	23	30	...	...	...	
„ Forests	120	251	69	166	...	16	...	
„ Gaming and Lotteries	585	2,476	600	1,850	11	15	...	
„ Lunatics Act	10	16	4	12	...	...	...	
„ Cattle Trespass Act	89	177	55	98	...	24	...	
„ Possession of Arms	49	81	11	69	...	1	...	
„ Merchant Shipping Act	36	79	25	54	...	...	...	
„ Local Rules	37	67	11	56	...	...	...	
„ Port Rules	1	7	...	7	...	...	...	
„ Revenue Rules	31	82	34	41	4	3	...	
„ Police Act	782	1,425	118	1,307	...	...	...	
„ Cantonment Rules	57	112	2	110	...	...	...	
„ Carriages, Carts and Boats	38	74	25	49	...	...	...	
„ Contagious Disease	36	43	13	30	...	...	...	
„ Act XXIII of 1872	1	1	...	1	...	...	...	
„ Rural Police Act II of 1878	1	1	...	1	...	...	...	
„ Prison Act	3	3	...	3	...	1	...	
„ Ferries Act	6	17	11	5	...	...	...	
„ Arakan Hill Regulation	5	6	2	4	...	...	...	
„ Mutiny Act	7	8	4	4	...	...	...	
„ Stamps Act	10	15	4	10	1	...	...	
„ Nuisances under Police, Municipal and Local Acts	1,072	2,061	320	1,741	...	...	...	
„ Native Passengers Act	1	1	1	...	...	...	...	
„ Embankment Act	41	379	54	325	...	...	...	
„ Fishery Act	70	246	145	100	...	1	...	
„ Excise Rule	1	1	...	1	...	...	...	
„ Act VI of 1879	1	1	...	1	...	...	...	
„ Act I of 1871	1	5	4	1	...	...	...	
Total ...	4,811	9,603	2,006	7,509	20	68	...	
ABSTRACT.								
Offences under Class I	2,305	5,285	1,649	3,535	20	68	13	
Do. Class II	5,395	7,851	4,004	3,542	15	66	234	
Do. Class III	9,490	9,668	3,877	5,572	33	74	112	
Do. Class IV	89	131	46	85	...	...	...	
Breach of special laws of the province	4,811	9,603	2,006	7,509	20	68	...	
Bad livelihood*	2	4	...	4	...	...	...	
Maintenance*	4	5	3	2	...	...	...	
GRAND TOTAL ...	22,096	32,547	11,585	20,249	88	276	340	

* These maintenance and bad livelihood cases should have been excluded from this statement and only included in revised statement 3 (Criminal).

JUDICIAL STATEMENT 3—(CRIMINAL).

Statement showing the general result of Criminal Trials in the Tribunals of various classes in the Province of British Burma, exclusive of the Town of Rangoon in the year 1880.

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.								REMARKS.
	Remaining at end of last year.	*Brought to trial during present year.*				Received by transfer.	Total.	Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Under arrest by police.	Upon warrant.	On summons.	Voluntarily.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Unpaid Magistrates	8	...	...	107	...	...	115	2	15	86	...	...	12		123	
Local and Subordinate paid Magistrates	83	10,956	539	6,765	9	234	18,586	3,132	4,210	11,056	6	58	124	4·33	40,502	
Full-power Magistrates exercising jurisdiction in the district ...	35	5,679	319	1,795	52	108	7,988	1,183	1,294	5,190	205	12	104		15,608	
Chief Magistrates of districts ...	27	3,888	261	1,049	...	633	5,858	714	1,035	3,917	138	18	36		13,317	
Total Magistracy ...	153	20,523	1,119	9,716	61	975	32,547	5,031	6,554	20,249	349	88	276	4·33	69,550	
Sessions Courts	20	...	...	...	...	263	283	...	92	174	...	2	13	28·46	1,534	Two charges withdrawn.
High Court	6	...	...	...	...	73	79	...	38	40	...	...	1	26·	327	
GRAND TOTAL ...	179	20,523	1,119	9,716	61	1,311	32,909	5,031	6,684	20,463	349	90	290	19·50	71,411	Two charges withdrawn.

Judicial Statement 4—(Criminal).

Statement showing the punishments inflicted by various Criminal Tribunals in the Province of British Burma, exclusive of the Town of Rangoon in the year 1880.

Class of Tribunal.	Persons sentenced to: Death.	Transportation: For life.	Transportation: For a term.	Penal servitude.	Imprisonment, Rigorous: With solitary confinement.	Imprisonment, Rigorous: Without solitary confinement.	Imprisonment: Simple.	Forfeiture of property.	Fine: With imprisonment.	Fine: Without imprisonment.	Whipping: In addition to other punishment.	Whipping: In lieu of other punishment.	Persons ordered to find or give: Surety of the peace.	Recognizance.	Sureties for good behaviour.
Unpaid Magistrates ...	...	...	...	...	...	...	7	33	1	46	...	...	...	...	...
Local and Subordinate paid Magistrates	...	...	...	...	27	2,317	73	...	335	8,023	47	459	15	...	...
Full power Magistrates of general jurisdiction ...	...	...	...	...	32	1,444	45	...	236	3,330	75	202	183	1	283
Chief Magistrates of districts	...	...	...	...	62	1,502	57	...	233	1,999	72	154	31	6	251
Total Magistracy ...	...	...	...	...	121	5,263	182	33	805	13,398	194	815	229	7	534
Sessions Judges	40	27	21	...	1	82	...	...	4	3	...	...	...	...	...
Judicial Commissioner ...	8	2	5		...	24	...	...	...	1	...	...	...	...	...
Grand Total ...	48	29	26	...	122	5,369	182	33	809	13,402	194	815	229	7	534

Class of Tribunal.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Imprisonment, 15 days: Rigorous.	15 days: Simple.	6 months: Rigorous.	6 months: Simple.	2 years: Rigorous.	2 years: Simple.	7 years: Rigorous.	7 years: Simple.	Above 7 years: Rigorous.	Above 7 years: Simple.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.
							Rs. A. P.	Rs. A. P.	Rs A. P.													
Unpaid Magistrates ...	20	27	...	...	...	...	1,489-0-0	1,489-0-0	.....	...	3	...	4	...	...	...	...	...	...	...	...	...
Local and Subordinate paid Magistrates	5,378	2 626	316	38	...	..	1,40,994-15-9	1,13,989-6-0	14,295 5 7	454	36	1,855	37	35	...	...	...	...	...	128	294	84
Full power Magistrates of general jurisdiction ...	2,214	945	237	162	8	...	1,02,082-8-6	66,045-5-6	5,164 9 10	132	16	745	25	593	4	6	...	...	...	95	111	71
Chief Magistrates of districts	1,571	445	134	77	5	...	47,225-9-3	31,778-8-0	2,942 3 0	125	42	598	14	527	1	314	...	...	...	53	68	105
Total Magistracy ...	9,183	4,043	687	277	13	...	2,91,792-1-6	2,13,302-3-6	22,402 2 5	711	97	3,196	80	115	5	320	...	...	...	276	473	260
Sessions Judges	...	...	...	7	...	...	860-0-0	200-0-0	.....	...	...	14	...	17	...	32	...	20	...	...	...	...
Judicial Commissioner ...	...	1	...	...	...	...	50-0-0	.....	.....	...	...	1	...	9	...	6	...	8	...	...	...	...
Grand Total ...	9,183	4,044	687	284	13	...	2,92,702-1-6	2,13,502-3-6	22,402 2 5	711	97	3,213	80	1,181	5	358	...	28	...	276	473	260

JUDICIAL STATEMENT 5—(CRIMINAL).

Statement showing the result of Appeal and Revision in Criminal Cases in the Province of British Burma, exclusive of the town of Rangoon, during the year 1880.

TRIBUNAL.	Number of appellants or persons applying for revision under section 404, C. Cr. P.	NUMBER OF PERSONS.								REMARKS.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified.	Sentences reversed.	Proceedings quashed.	Further inquiry or evidence ordered.	Cases referred for revision to High Court.	Pending.	
1	2	3	4	5	6	7	8	9	10	11
Magistrate of district. — Appeals from unpaid Magistrates ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Magistrate of district. — Do. from paid Magistrates ...	517	13	198	117	158	3	.....	2	26	
Sessions Courts ... — Appeals from unpaid Magistrates ...	.....	.....	.....	.....	.....	.....	.....	...	.....	
Sessions Courts ... — Do. from paid Magistrates ...	499*	48	293	65	78	.....	2	1	7	*Two not appealable and one transferred to the Judicial Commissioner's Court: two rejected appeals lay to the Judicial Commissioner's Court.
Judicial Commissioner as Court of Sessions	98	31	20	16	28	.....	.....	.....	3	
Ditto as High Court. — Appeals...	309	159	40	38	50	.....	.....	.....	23	
Ditto as High Court. — Revisions	1,461	... ..	1,018	45	257	.....	.....	.....	141	
Total ...	2,884	251	1,569	281	571	3	2	3	199	

JUDICIAL STATEMENT 11—(CRIMINAL).

Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1880.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established or average number of Jury or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS.		ASSESSORS' TRIALS.		Note showing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Sessions Court, Arakan	2 Assessors ...	.....	44	.....	.....	34	10	In criminal sessions trials only.	
Ditto, Pegu	2 do ...	.....	60	.....	.....	21	35		In three cases the Sessions Judge agreed with one but differed from the other assessor. In one case assessors were not called upon for their opinion.
Ditto, Tenasserim	3 do ...	.....	23	.....	.....	15	8		
Judge's Court, Moulmein (criminal) ...	5 Jurors ...	20	.....	19	1	.....	.....		
Judicial Commissioner's Court as Court of Sessions	3 Assessors ...	.....	37	.....	.....	19	13		In four cases the assessors were not called upon to give their opinion, as in two cases the charges were withdrawn and in the other two the accused were convicted on their own confession. In one case the Judge agreed with two and differed from one assessor.
Total ...	15	20	164	19	1	89	66		

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1881.

RANGOON :

PRINTED AT THE GOVERNMENT PRESS.

1882.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1881.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 105C., dated the 27th July 1882.

READ—

The Reports of the Recorder and the Judicial Commissioner on the administration of criminal justice in British Burma for the year 1881.

RESOLUTION.—The crime of British Burma during the year 1881 has been fully discussed in the report on the police administration of the province and the Chief Commissioner's Resolution, and it is unnecessary to consider it in detail again. Its general features are exhibited in the following statement extracted from the Resolution on the police report :—

	1880.	1881.
Offences against the State, public tranquillity, safety and justice	223	174
Serious offences against the person ...	966	992
Serious offences against the person and property or against property only	703	782
Minor offences against the person ...	1,012	1,148
Minor offences against property	9,442	10,171
Other offences not specified above ...	6,552	7,255
Total ...	18,898	20,522

There was an increase of 1,624 offences compared with the previous year. These figures relate only to offences actually committed. The new judicial statements prescribed by the Government of India, which have been adopted in the present reports, show the number both of all offences reported and of those returned as true. The latter number differs from the number given in the police report by being 4,239 in excess. This excess should represent the number of non-cognizable cases taken to Court but not included in the police returns. The figures under various heads of cognizable crime do not however agree with the figures of the police report with which they should correspond. The attention of District Magistrates will be invited to the matter in order to ensure more uniformity in the returns of crime. The reports of the Recorder and Judicial Commissioner contain instructive remarks on the condition of crime in their respective jurisdictions. These remarks are commended to the careful consideration of the local officers.

2. *Cases brought before the Courts.*—The number of persons under trial during 1881 was 41,819 against 41,227 in 1880, an increase of 592. Of the persons under trial 13,574 were acquitted or discharged and 27,312 were convicted, the remainder coming under the heads of committed for trial; died, escaped, or transferred to another province, and remaining under trial. The proportion of persons convicted to persons under trial was 65·31, as compared with 65·71 in the previous year.

3. *Magistrates' Courts.*—The total number of cases, not including miscellaneous proceedings, which came before the Lower Courts, was 23,181. The work was divided among 19 District and 125 Subordinate Magistrates, including seven Benches of Honorary Magistrates, which would give an average of 161 cases to each Magistrate's Court.

4. *Sessions Courts.*—The Courts of Session in the province were seven during the year 1881, namely, four divisional Courts, the Court of the Recorder of Rangoon, the Court of the Judge of Moulmein for that district, and the Court of the Judicial Commissioner for Hanthawaddy. The last ceased to exercise jurisdiction on the formation of the new Irrawaddy division on the 1st July. The number of persons tried by the Sessions Courts, including those whose sentences were submitted for confirmation under section 36 of the Criminal Procedure Code, was 502, or an average of 72 persons to each Court. In the previous year 448 persons were tried by six Sessions Courts. There was thus an increase of 54 persons under trial by Courts of Session. The Sessions business coming before the Commissioner of Pegu was very much heavier than in other divisions.

The number of persons convicted and acquitted by Courts of Session was—

		Acquitted and discharged.		Convicted.
1881	... ...	106		344
1880	... ...	159		265
	Decrease ...	53	Increase ...	79

The proportion of convictions to persons under trial was nearly 10 per cent. higher in 1881 than in the previous year.

5. *Superior Courts.*—The Superior Courts, that is, the Courts of the Recorder and Judicial Commissioner sitting as High Courts and the Special Court, tried 41 persons. Of these 17 persons came before the Recorder as a High Court for the trial of European British subjects; the remainder were persons the sentences of death upon whom were referred for confirmation. A scheme is now under the consideration of the Government of India for amalgamating the three Superior Courts into a single Chief Court for the province, and a draft Bill prepared by the Recorder and Judicial Commissioner has been submitted for the purpose.

6. *Work of the Courts.*—The number of witnesses examined in all the Courts was 70,129, or 6,895 less than in 1880. The average duration of cases in the various Courts is compared with the results of the previous year in the following table :—

	Subordinate Magistrates.		District Magistrates.		Courts of Session.		High Courts.	
	Rangoon.	Rest of province.	Rangoon.	Rest of province.	Rangoon.	Rest of province.	Rangoon.	Rest of province.
1880 ...	1·74	4·88	1·80	4·83	59	28·46	59	26
1881 ...	1·77	5·93	4	5	42·72	33	42·72	30

7. *Sentences.*—The sentences inflicted by all the tribunals in 1881 and in 1880 were—

	Death.	Transportation.	Penal servitude.	Imprisonment. Rigorous.	Imprisonment. Simple.	Fine.	Whipping.
1881 ...	29	53	2	6,374	143	20,902	1,140
1880 ...	49	59	0	6,039	207	20,248	1,256
Increase ...	...	...	2	335	...	654	...
Decrease ...	20	6	...	...	64	...	116

The large decrease in the number of capital sentences is unfortunately not due to a corresponding diminution of capital crime. The sentences of imprisonment under two years and of sentences of upwards of two years were, in 1881, 4,695 and 1,822, against 4,541 and 1,708 in 1880 respectively. The percentage of long sentences has thus increased from 27·35 to 27·95. The Courts no doubt gradually become more careful in dealing with habitual criminals. Measures have recently been taken for facilitating the recognition of habitual offenders. Sentences of whipping have diminished by nine per cent.

8. *Fines.*—The amounts of fines imposed, realised, and awarded in compensation stand thus in comparison with the amounts of the previous year :—

	Rs.	Rs.	Rs.
1881	2,76,596	2,07,479	20,337
1880	3,53,388	2,56,083	24,021
Decrease	76,792	51,396	3,684

The proportion of fines realised to fines imposed was in 1881 nearly 75 per cent., while in 1880 it was only a little over 72 per cent., and that of compensation awarded was 7·35 per cent., against 6·80 per cent. in the year before. The improvement is satisfactory. The average amount of fine imposed was about Rs. 13-5-0, a decrease from 1880, when it was about Rs. 17-7-0. The Judicial Commissioner has taken much trouble in warning the Lower Courts against the infliction of excessive fines, and in pointing out the necessity of proportioning the amount of fine to the circumstances of the offender. In some cases, especially those under the opium and excise laws, it is not possible, however, for the Magistrates to make any close estimate of the pecuniary means of the wandering Chinese and others who make it a business to defraud the revenue.

9. *Miscellaneous proceedings.*—There were 932 miscellaneous cases before the Courts in 1881, of which about half related to security for good behaviour. Out of 644 persons proceeded against under the sections of the Criminal Procedure Code referring to bad livelihood 404 were required to find security. In 1880 the number of persons ordered to find security was 568. Though the law against bad livelihood may have been misapplied in some districts, the Chief Commissioner considers that the Magistrates and police of other districts have failed to make proper use of the procedure which this law has put into their hands for preventing crime.

10. *Work of the Appellate Courts.*—In 1881 there were in the province 29 Appellate Courts, namely, three Superior Courts, seven Courts of Sessions, and 19 Courts of Chief Magistrates of districts. Two of the last Courts however, those of the Arakan Hill Tracts and Salween, exercised no jurisdiction, there being no Subordinate Magistrate in the former district, and in the latter the Subordinate Magistrate apparently doing no criminal work. There were no Magistrates specially authorised to hear appeals. The total number of appellants

was 1,483, or a little less than in 1880, when the number was 1,530. The number of successful appellants (wholly or partially) was almost the same in both years, being 562 in 1881 and 569 in the previous year. The largest number of appeals was, in the Courts of Session, 657 cases. The appeals to Magistrates of districts only numbered 519. The appellate work of Courts of Session was increased by the creation of more Magistrates of the first class, powers having been conferred on the more experienced of the Native Magistrates. Previous to 1880 no Burmese Magistrate was entrusted with higher powers than those of the second class. The small number of appeals to District Magistrates shows a contentment on the part of the people with the decisions of the Subordinate Magistracy, which is not quite comprehensible in the face of the results of the exercise of the revisionary powers of the Judicial Commissioner.

11. *Work of the High Courts in revision.*—The work of revision was actively carried on by the two High Courts of the Recorder and Judicial Commissioner. The former called for 43 cases of the Subordinate Courts, the orders in four of which were interfered with. The Judicial Commissioner had the cases of 1,342 persons before him in revision. In as many as 482 cases, or 36 per cent. of the whole, the orders were reversed or modified. In 1880 the proportion of cases interfered with was 24. The increase is attributed by the Judicial Commissioner to the fact that cases were examined for more definite reasons than in the previous year. The Judicial Commissioner personally inspected a great many Courts and picked out the proceedings which appeared to require revision. More cases also were called for on the motion of parties and were referred by Sessions Judges and Magistrates. It is satisfactory to find that the efforts of the Judicial Commissioner in his valuable work of supervision of the Subordinate Courts were well seconded by the Commissioners of Divisions and the District Magistrates. It is in this way only that the working of the lower tribunals can be effectively regulated and controlled.

12. *Honorary Magistrates.*—During the year Benches of Honorary Magistrates were constituted at the seven municipal towns of the province. It is somewhat early yet to judge the results of this measure, but the Benches have begun well. The Recorder says of the Bench at Rangoon that their decisions appear to be fairly good, their errors being mostly faults of procedure, and that he has hopes that they will afford useful assistance in the administration of justice in the town. The Judicial Commissioner says that the Benches reported on have answered expectations, and he gives a specially favourable account of those at Moulmein, Bassein, and Toungoo. With the creation of more municipalities under the system of extended local self-government, the number of Benches of Honorary Magistrates can usefully be increased.

13. On the whole, the progress and condition of criminal judicial administration in Burma may be viewed with some satisfaction. The thanks of the Chief Commissioner are due to the Recorder, Mr. Wilkinson, and the Judicial Commissioner, Mr. Jardine, for their valuable services and for the interesting reports in which they are recorded.

By order of the Chief Commissioner,

G. D. BURGESS,

Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1881.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

DURING the year 13 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions, five persons appealed from the sentences passed by the Court of the Recorder exercising the powers of a High Court, and five persons appealed from the sentences passed by the Judicial Commissioner's Court in the exercise of its transferred jurisdiction under section 36 of the Burma Courts Act, 1875, as a Court of Sessions, and there were appeals of two persons pending from the previous year, making in all 25 persons. The appeals of 20 were disposed of during the year, leaving five pending at the close of the year.

2. The following table shows the above particulars and the result :—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1881.	Result.			
			Rejected.	Dismissed and sentence confirmed.	Modified.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Sessions Court	1	18	8	1	...	5
Court of the Recorder of Rangoon exercising the powers of a High Court...	...	5	4	1	...	...
Court of the Judicial Commissioner exercising the powers of a Sessions Court	1	5	2	1	3	...
Total ...	2	23	14	3	3	5

3. In the previous year 19 persons appealed from the sentences passed by the Court of the Recorder of Rangoon in the exercise of its powers of a Court of Sessions, 24 persons from that of the Judicial Commissioner exercising the transferred powers of a Court of Sessions, and two persons from that of the Additional Recorder exercising the powers of a High Court.

4. During the year two capital sentences, passed by the Recorder of Rangoon as a Court of Sessions, were referred to this Court under section 60 of the Burma Courts Act, 1875, for confirmation, both of which were confirmed.

5. Besides the above there were 11 references made to this Court by the Judicial Commissioner under section 76 of the Burma Courts Act, 1875, the particulars of which are as follows :—

(1). A case which went before the Judicial Commissioner in revision, in which a person was convicted for criminal breach of trust under section 406 of the Indian Penal Code in having misappropriated two different sums of money paid him as a stake-holder by two Karens who were betting on the result of a boat race, and the amounts were directed to be paid back to the Karens out of the fine inflicted on the accused in addition to imprisonment. Doubts were entertained by the Judicial Commissioner as to whether an offence like this could be compensated by money in any proper exercise of the Magistrate's discretion. It was held that a bettor may, either before or after losing his bet, repudiate the wager and demand a return of his money so long as the stake-holder has not parted with it, and that a criminal Court was precluded from treating the case as criminal breach of trust.

(2). Whether the trial held by the Commissioner of Tenasserim by the aid of assessors who had not been previously placed on a list, as required by section 400 of the Criminal Procedure Code, was not such an irregularity as to deprive the Sessions Court of jurisdiction and so render the trial void. This Court's answer was in the negative.

(3). Whether the statements made by an accused to a kyaydangyee were inadmissible under sections 25 and 26 of the Evidence Act, he being a police officer and so described in the Burma Rural Police Act. It was held that the statement, amounting to a confession, made to the kyaydangyee by the accused was not inadmissible in evidence. The confession was made before the Chief Commissioner had published the rules of the 2nd March 1881, which have made headmen and goungs police officers within the meaning of the above section.

(4). In this case the accused killed a yazawootgoung while he was, with others, chasing him with the intention of arresting him for theft, and was found guilty of murder. The Judicial Commissioner referred the case generally for disposal to this Court, as he entertained some doubts as to whether the offence was murder, considering the exception (2) to section 300 of the Indian Penal Code and the illustration, the yazawootgoung not being a public servant under the Burma Rural Police Act, and there being no rules under this Act when the crime took place ; and this Court held that the deceased yazawootgoung was a public servant, as the Burma Rural Police Act gave him powers to prevent offences and preserve the public safety. But as the rules made under the Rural Police Act had not then been made, the goung had no right to arrest without a warrant on a complaint of theft ; and it appearing from the evidence that he did not announce his intention to arrest nor tell the accused that any charge had been made against him, and that the accused was struck two blows with a stick before he used his knife, under the circumstances the Court was of opinion that the accused had exceeded his rights of private defence, and therefore reversed the conviction and sentence and convicted him of culpable homicide not amounting to murder, and sentenced him to ten years' rigorous imprisonment.

(5). Whether the Judicial Commissioner has jurisdiction to hear an appeal from the sentence of a Deputy Commissioner, who at a trial has exercised the special powers conferred under section 36 of the Criminal Procedure Code, whether by passing a sentence exceeding that which a 1st class Magistrate can pass, or by trying a case which no ordinary Magistrate can try. This Court ruled that an appeal lies to the High Court ; and in this province outside of Rangoon to the Judicial Commissioner sitting as a High Court, whatever practice there may have been to the contrary.

(6). In this case a goung under the Burma Rural Police Act was convicted and sentenced for negligently suffering a prisoner to escape. The Judicial Commissioner entertained doubts as to whether yazawootgoungs under the Burma Rural Police Act were legally bound to perform all the duties thrown on a police officer

under the Procedure Code. The case was generally determined by the Court, and it was held that a yazawootgoung, under section 17 of the Rural Police Act, might have been vested with the powers of a police officer; but at the time of this affair he had not been so vested and had no legal authority to keep the man in custody; the conviction and sentence were consequently reversed.

(7). An accused was sentenced on two separate trials to two different periods. On appeal the first sentence was reversed and the second confirmed, and it was discovered that the Jail authorities gave no credit for the time spent under the sentence reversed in calculating the period for the second sentence, but took it as from the date of the reversal of the first sentence. It was held that the imprisonment already undergone must be treated as part of the punishment of the existing sentence.

(8). In this case the Judicial Commissioner referred the whole case for disposal by this Court, and raised a question as to whether Magistrates are justified in assuming that a person who is in charge of a house in which a fire takes place is rash or negligent, and punishable under section 285 of the Indian Penal Code without evidence of rashness or negligence, and this Court held that they were not, and that there must be evidence of actual rashness or carelessness. The Court found in this case that there was no such evidence and quashed the conviction.

(9). In this case the point of law referred was whether a Sessions Judge had jurisdiction to try a person for dishonestly retaining in his possession property (cattle) which he knew to have been transferred by the commission of dacoity in Upper Burma, he being one of the dacoits, he having been found in possession of the stolen property in British Burma. The whole appeal was referred for disposal, and the Court held that the Sessions Judge had jurisdiction, and the conviction and sentence were confirmed.

(10). The question raised in this case was whether a proceeding under the Excise Act, section 62, is a summons or warrant case, and it was held that it is a summons case coming within the tenor of section 148 of the Criminal Procedure Code.

(11). The question asked in this case was whether a Sessions Judge has power to enhance a sentence submitted to him for confirmation under section 36 of the Criminal Procedure Code. It was held that the word *modify*, as it stands in section 36 of the Criminal Procedure Code, must be taken to give power to the Sessions Judge, both to enhance or reduce any sentence passed by a Deputy Commissioner proceeding under that section.

6. The Additional Recorder sat once with the Judicial Commissioner to dispose of a reference connected with one of the Commissariat bribery cases which the former had made in the previous year.

RANGOON:
The 22nd April 1882.

C. J. WILKINSON,
JOHN JARDINE,
Judges of the Special Court of British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1881.

DURING the year 1881 41 cases were committed to the Recorder's Court as a Court of Sessions by the Assistant Magistrate, four as a High Court by the same Magistrate, and one case as a High Court by the Deputy Commissioner of Hanthawaddy, making in all 46 cases committed during the year. There were six cases pending from the previous year. Thus there was a total of 52 cases for disposal, of which 51 were disposed of, including the one referred to the Special Court; and one case remained on the file at the close of the year.

2. During the year two capital sentences were passed by the Court as a Court of Sessions, both of which were confirmed by the Special Court.

3. Thirteen persons, convicted by the Recorder as a Court of Sessions, appealed to the Special Court; of these appeals, eight were rejected and five remained undisposed of at the close of the year. Five persons, convicted by the Recorder as a High Court, also appealed to the Special Court. The appeals of four were rejected and one was dismissed.

4. The following table shows the various punishments inflicted by the Court in the exercise of its powers of a High Court and a Court of Sessions and the number of persons acquitted :—

Class of tribunal.	Persons sentenced to						Detail of punishment.								
	Penal servitude.	Death.	Transportation		Imprisonment.		Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.		Acquitted.
			For life.	For a term.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	
													Rs.	Rs.	
Recorder's Court exercising the powers of a High Court ...	2	...	...	...	11	...	...	...	6	...	8	2	...	..	
Recorder's Court exercising the powers of a Court of Sessions ...	...	2	4	3	30	...	1	...	8	...	21	...	1,830	...	20
Total ...	2	2	4	3	41	...	1	...	14	...	24	2	1,830	...	24

5. In the previous year there were 59 cases committed to this Court as a Court of Sessions and 12 cases as a High Court.

6. The following table shows the number of persons whose cases came before this Court on appeal from the findings, sentences, or orders of the Assistant Town Magistrate of Rangoon :—

Magistrate from whose decision appealed.	Number of persons who appealed.	Result.						
		Rejected.	Confirmed.	Modified.	Reversed.	Enhanced.	Returned for further evidence.	Pending.
Assistant Magistrate	40	28	4	...	5	...	...	3
Total ...	40	28	4	...	5	...	...	3

7. In the exercise of its powers of superintendence and revision as a High Court, the Court called for 31 cases of the Assistant Magistrate's Court, one case from the Extra Assistant Commissioner's Court, and 11 cases decided by the Bench of Honorary Magistrates. In one the sentence was enhanced, in two the sentences were set aside, in a third the Lower Court was ordered to re-investigate where the Assistant Magistrate had discharged a person charged with assault and directed to commit the accused to the Sessions. In some of the remaining cases certain irregularities of procedure were pointed out, whilst in others the proceedings were not interfered with.

8. Besides the above there were four cases in which European British subjects were concerned referred to the Judicial Commissioner's Court by district officers, but that Court having no jurisdiction they were transferred to this Court as a High Court for disposal.

THE MAGISTRATES' COURTS.

9. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with the previous year :—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1880 ...	712	3,260	3,972	3,777	8,680	1,751	6,842	76	...	...	11
1881 ...	989	4,344	5,333	4,728	10,717	2,047	8,551	62	...	...	57
Increase ...	277	1,084	1,361	951	2,037	296	1,709	...	...	...	46
Decrease...	...	...	...	...	...	...	...	14	...	...	...

From the above statement it will be seen that there was a very large increase over the previous year both in bailable and non-bailable cases and in the number of persons brought to trial.

10. The following table shows the number and the results of non-bailable cases for the year in comparison with the previous year :—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1880	712	537	667	104	497
1881	989	684	755	88	622
Increase ...	277	147	88	...	125
Decrease ...	...	...	...	16	...

11. The following table shows the percentage of detection to the cases reported in non-bailable offences as compared with the previous year :—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1880	712	544	76·40
1881	989	622	62·90

12. The following table shows the number of offences against property with violence as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1880.	1881.	1880.	1881.	1880.	1881.
Dacoity	...	2	...	...	...	...
Robbery	3	2	3	2	3	2
Extortion	1	3	1	3	1	4
Total ...	4	7	4	5	4	6

13. In the following table offences against property without violence are shewn in comparison with those of the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1880.	1881.	1880.	1881.	1880.	1881.
House-breaking with theft	19	17	18	17	14	18
Theft	583	866	894	559	412	541
Receiving stolen property	58	86	58	86	54	85
Total ...	660	919	470	612	480	594

14. The following statement shows the details of violent crime as compared with the previous year:—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1880.	1881.	1880.	1881.	1880.	1881.
Murder	4	5	3	5	3	5
Attempt to murder	1	2	1	2	1	3
Culpable homicide	2	5	2	5	2	6
Grievous hurt	11	23	11	22	12	20
Ditto. on sudden provocation	1	2	1	2	1	2
Hurt	49	113	49	113	46	117
Do. with dangerous weapon	27	27	24	27	21	25

15. The subjoined table shows the petty offences for the last three years:—

Nature of offence.	1879.	1880.	1881.
Assault	400	675	620
Insult and criminal intimidation	95	171	381
Creating a disturbance under Indian Penal Code	29	356	17
Nuisance (Police Act, section 34)	129	449	1,571
Breaches of local rules	632	716	682
Drunk and disorderly, Act V of 1861	724	815	516

16. The subjoined table shows the work performed by the several Magistrates, the result of trials held before them, and the statement of their files at the close of the year:—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	
								In custody.	On bail or recognizance.
Town Magistrate, Rangoon Town District ...	Bailable ...	2	...	...	2	...	...	...	...
	Non-bailable...	...	...	...	...	...	...	...	...
	Total ...	2	...	...	2	...	...	...	...
Assistant Magistrate, Rangoon Town District ...	Bailable ...	8,835	374	819	7,614	21	...	...	5
	Non-bailable ...	752	...	87	616	41	...	8	...
	Total ...	9,587	376	906	8,230	62	...	8	5
Extra Assistant Commissioner, Rangoon Town District ...	Bailable ...	1,016	438	309	225	...	...	...	44
	Non-bailable...	...	...	...	...	...	...	...	...
	Total ...	1,016	438	309	225	...	...	...	44
Bench of Honorary Magistrates, Rangoon ...	Bailable ...	109	3	14	92	...	...	...	...
	Non-bailable...	3	...	1	2	...	...	...	...
	Total ...	112	3	15	94	...	...	...	...
Grand Total ...		10,717	817	1,230	8,551	62	...	8	49

17. The following is a statement of shipping casualties investigated by order of the Chief Commissioner under Act I of 1859, Act IV of 1875, and the Rangoon Pilot Rules:—

No.	Subject.
1	Regarding the loss of the kattoo *Oung Htine*.
2	Conduct of Mr. Pilot McGregor whilst in charge of the S. S. *Ananda*.
3	Grounding of the ship *Cassiope* while in pilotage charge of Mr. Warwick.
4	Grounding of the S. S. *Kilwa* while in pilotage charge of Mr. Simmonds.
5	Grounding of the S. S. *Palm* while in pilotage charge of Pilot Mosson.
6	Collision of the *Maria P.* with the S. S. *Cervin* while the former vessel was in charge of Mr. Pilot Cook.
7	Collision of the S. S. *Ngapoota* with the S. S. *Haddon Hall* while the former vessel was in charge of Mr. Pilot Eagleson.
8	Grounding of the ship *County of Cardigan* while in pilotage charge of Mr. McGregor.
9	Collision between the S. S. *Enterprize* and S. S. *Camelot* off the pilot-brig.
10	Collision between the S. S. *Satara* with the barque *Maj Mari* on the 30th March.
11	Grounding in the Rangoon river of the S. S. *Fitzpatrick*.
12	Grounding in the Monkey Point channel of the S. S. *Martaban* while in charge of Mr. Pilot Lefevre.
13	Grounding in the Rangoon river of the S. S. *Mecca* while in charge of Mr. Pilot McGregor.
14	Loss of the Dutch ship *Nieuve Diepe* on Thursday, the 9th June.
15	Grounding on the Western sands of the Italian barque *La Sofia* while in charge of Mr. Pilot Cook.
16	Loss of an anchor and 60 fathoms of chain from the S. S. *Busheer* while in charge of Pilot Sassey.

18. The following table shows the punishments inflicted by the different Magistrates:—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.			Fines.	Whipping.	Give recognizance or security to keep the peace.	Find security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
	Solitary confinement.	Simple.	Rigorous.							
				Rs.				Rs.	Rs.	Rs.
Senior Magistrate... ...	...	...	2	...	...	...	...	...	...	...
Assistant Magistrate ...	...	9	676	7,545	175	48	23	46,005	36,775	1,150
Extra Assistant Commissioner	...	7	...	218	...	...	...	1,246	1,215	192
Bench of Honorary Magistrates	...	...	2	92	...	...	...	257	199	...
Total ...	...	16	680	7,855	175	48	23	47,508	38,189	1,342

19. Of the fines imposed by the Assistant Magistrate 79·34 per cent. was realized, by the Extra Assistant Commissioner 97·51 per cent., and by the Bench of Honorary Magistrates 77·43 per cent. On the total of fines 80·38 per cent. was realized.

20. The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
Senior Magistrate	1	...	...	8	1⅛ days	4 days.
Assistant Magistrate	4,627	58	24	10	1⅛ ,,	1½ ,,
Extra Assistant Commissioner	672	7	4	...	8½ ,,	4 ,,
Bench of Honorary Magistrates	98	...	...	...	...	1 day.
Total ...	5,398	65	28	18	2·21 days	2½ days.

21. The subjoined table shows the nationalities of persons brought to trial during the last three years:—

Nationalities.	1879.	1880.	1881.
Burmese	1,527	2,340	3,403
Chinese	284	770	367
Natives of Bengal and Upper India	894	1,538	1,618
Madrassis	1,268	3,095	4,674
Chittagonians	295	627	399
Europeans and Eurasians	272	310	344
Total ...	4,535	8,680	10,805

22. Whilst the foregoing statistics as regards the Recorder's Court would indicate a diminution of crime in the Rangoon district in the last year compared with the previous year, those relating to the Magistrates' Courts show, on the contrary, that there was a very large increase, the reported non-bailable cases being 988, or an increase of 277, and the bailable cases 4,344, or an increase of 1,084. It is true that there is not a large numerical increase, though proportionately there is in some of the classes of violent crime; those against property being two dacoities, against none, two robberies, against three, and three cases of extortion, against one, making, under this head, seven cases, against four in 1880; whilst those against the person were five murders, against four, two attempts to murder, against one, five of culpable homicide, against two, two of grievous hurt on sudden provocation, against one, and 27, against 27, cases of hurt with dangerous weapons. In grievous hurt and hurt, however, there is a large increase in both respects; for the former rose from 11 in 1880 to 23 in the year under review, and the latter from 49 to 113. The increase of cases of hurt the Deputy Commissioner seems to consider more apparent than real, for "hurt" being a cognizable offence, it rests in the discretion of police officers to receive the complaint and send it up as hurt, or to dismiss it as assault and refer the parties to a Magistrate, complainants being more inclined to adopt the more summary and cheaper method of reporting trivial cases at the thana than applying to a Magistrate for a summons. This is a theory which does not appear to have been tested by

reference to diaries or other recorded police statements. Having regard to the statistics of the year generally, I am more inclined to accept the figures as showing an actual increase of this kind of crime.

23. It is, however, in offences against property where the greatest increase in crime appears; for although "house-breaking with theft" and "receiving stolen property" are fewer in the former year, the figures being 17 to 19, and in the latter 36 to 58 in the previous year, theft cases have risen from 583 in 1880 to 866 in 1881, representing an increase of over 48 per cent. in this serious class of crime.

24. The number of petty offences, however, accounts for a considerable part of the last year's increase; for although cases of causing disturbance fell from 356 in the previous year to 17 in the last year, and assault cases are less by 55, whilst cases of breach of local rules show also an improvement, the figures being 682 last year, against 716 the year before, on the other hand there is a remarkable increase in nuisance cases under section 34 of the Police Act, the relative numbers being 1,571 to 449; and also a very large increase under the heads of "Insult and criminal intimidation" and "Being drunk and disorderly," the respective figures being 381 and 516, against 171 and 315 in the preceding year.

25. The Deputy Commissioner, in commenting upon the very large increase in the number of reported offences, observes that it is difficult, in the absence of a well-defined disturbing influence, to account with any degree of certainty for the fluctuations of crime; and that there were no conditions discernible during the year that would sufficiently account for so large an increase as 277 non-bailable and 1,084 bailable cases. Of the latter it is true a considerable number are offences against municipal byelaws, the Police Act, and the nuisance sections of the Penal Code. The number of such cases, he justly considers, depends much upon the activity of the police and in the bringing forward of petty delinquencies. He is of opinion that the known bias of the Magistrate has a strong effect upon the action of the police, who act very much under the influence of encouragement; and that the activity with which they prosecute certain classes of cases is in proportion to the success that they meet with in obtaining convictions, whilst frequent acquittals dishearten them. The Deputy Commissioner further observes that, in his experience, the action of the police in dealing with crime is only a reflection of the spirit of the magistracy, and the large increase of bailable cases he would therefore ascribe to the combined effects of increased diligence on the part of the police and the great care with which the cases were disposed of by the Magistrates. If this conclusion be correct, there must have been an unaccountable increase on the part of the police in activity, energy, and intelligence, for they are much the same now as they have been in recent years, and there has been no change of superintendence to bring about such a sudden change in the character of individual constables. Nor, from the opportunities I have had of judging of them, can I discern any difference in their intelligence or efficiency. They are no worse or no better than the generality of the men of the classes from which the force is recruited can be expected to be. As the Deputy Commissioner remarks, the work they have to perform is hard and not popular, and for many years to come the service will not attract to its lower ranks the well-educated or very respectable, and he, I think, rightly doubts the possibility of seeing an increase of honesty merely by a rise in pay. Again, before the care displayed by the Magistrates in disposing of cases can account for increased activity on the part of the police, it must be shown that the Magistrates in the year preceding were less careful to secure convictions than in the past year. I must say I have observed no such change in the way in which they discharged their duties, and their findings were equally in one year as in the other characterized by a due regard to the evidence before them.

26. With regard to the great increase in non-bailable reported cases, the Deputy Commissioner further remarks that even here if any special reason is looked for it cannot be satisfactorily given, for none of the special conditions that are believed theoretically to influence crime were present during the year. Neither trade, agriculture, nor food-supply was affected in any special manner or degree, and the year passed without any important social or political changes. The increase in

theft cases he attributes greatly to the better supervision exercised over the subordinate officers of police, offences being not now allowed to be written off or explained in order to reduce the number of offences undetected. But I may remark that the former Deputy Commissioner was equally careful on this point, and it was from his insisting on the necessity of entering every case that was reported that the returns of the year of his return from furlough showed such a considerable increase of reported cases on the previous years and made the average of convictions to reported cases contrast unfavourably with those therein. Major Poole concludes his observations on the increase of offences by saying that it is due to the following causes:—1st, to the natural increase of population; 2nd, to the increased care with which cases have been reported by the police; and 3rd, to the efficient manner in which the Magistrates conducted their enquiries.

27. In order to ascertain to what extent any changes in the personnel of the Magistracy last year may have affected the conduct of the police I called for the following statement, and although it shows an increase in each of the last three months of 1881 compared with the next preceding three months, and a still greater increase in comparison with the last three months of the previous year, considering that during all those months, with the exception of December 1881, Mr. Snow was the Assistant Magistrate, who performed almost the whole of the magisterial work of the town, the increase does not seem to me to bear out the Deputy Commissioner's second or third cause assigned; whilst, as regards the first, if the enquiry had reference to the increase in population since the previous census, and not to a single year, some consideration might be given to it.

28. Statement showing the number of cases reported and brought before a Magistrate for the last three months of 1881 in comparison with each of the three previous months and the last three months of 1880:—

Class of Tribunal.	Number of cases reported and tried during the month of								
	1881.						1880.		
	October.	November.	December.	July.	August.	September.	October.	November.	December.
Honorary Magistrate's Court	13	4	6	...	...	11	...	...	...
Extra Assistant Commissioner's Court ...	18	53	34	38	43	37	38	62	33
Assistant Commissioner's Court ...	446	425	414	390	382	397	353	332	298
Deputy Commissioner's Court ...	...	..	...	...	...	...	...	...	...
Total ...	477	482	454	428	425	445	391	394	331

Nor do the Deputy Commissioner's own figures show that the average of convictions could have incited the police to greater activity, for I observe that the return of percentage of convictions to cases reported was only 62·90, whereas in 1880 it was 76·40. This average, however, is not to be taken as indicative of the result of the Magistrate's work, for the average of convictions to the number of persons brought to trial is much higher and is about the same as in the previous year.

29. There isanother observation of the Deputy Commissioner which I feel constrained not to allow to pass unnoticed, that the relation of convictions to cases brought to trial has its effect on the activity of the police, who are discouraged by frequent acquittals. To allow the result of their investigations to influence their conduct in the discharge of their duties would be attended with the gravest results. Accused persons must then be convicted upon insufficient evidence, which is the only conclusion I can draw from such a statement, since it is only on the ground of the evidence not being conclusive that a Magistrate would acquit to prevent discouragement in order that the activity of the police may not be

lessened in the detection of subsequent crime. If the average of convictions is to be permitted as a factor in influencing their activity and zeal, the police would soon become less active and more careless, for, instead of putting out their energies to obtain all the evidence necessary to prove a case, they would, from the instincts of the nature of the races to which they belong, take as little trouble as possible to detect crime, relying from past experience on the Magistrate not being particular on the score of evidence to get a conviction. The result would be that acquittals would be more numerous, the police would become more demoralized, and many guilty persons would escape the punishment due for their crimes.

30. Whilst I cannot concur with the Deputy Commissioner in assigning the large increase of crime to the causes he mentions, I am quite unable to account for it; and I think it would be futile to attempt to do so by setting up, as is so frequently done, theories which at the best would rest on doubtful inferences deduced from unproved and insufficiently established facts. The fact is patent, and it seems to me to be a matter which requires, as I no doubt it will have, the serious attention of the Police authorities.

31. With respect to the manner in which the ordinary Magistrates have discharged their heavy and important duties I am satisfied; and I concur with the Deputy Commissioner in saying that the work in the Assistant Magistrate's Court was expeditiously disposed of and a very heavy file cleared with a small number of pending cases, which is most creditable to the ability and industry of Mr. Snow, who presided over the Court until December, and likewise to Mr. Irwin who succeeded him.

32. Having regard to the press of work generally in the Criminal Courts, and to the other duties which the Extra Assistant Commissioner had to perform in addition to his judicial work, the detention of witnesses was not excessive. In the Assistant Magistrate's and the Honorary Magistrates' Courts it was only one-and-a-half and one day respectively.

33. The amount of fines imposed during the year by the several Magistrates amounted to Rs. 47,508, of which Rs. 38,189, or five-sixths, were realized, which goes to show that the fines were not unreasonably heavy or generally beyond the means of the offenders who were thus punished to pay. The return, however, does not give the number of cases in which fine was the sole punishment awarded and where it was in addition to imprisonment.

34. I must express my satisfaction that the punishment of whipping has considerably fallen off; and I trust in future that the Magistrates may be induced to confine it to cases of juvenile offenders and to those adults who display brutality and gross depravity of character. Indiscriminate whipping I have always been opposed to; but whilst the law gives Magistrates the power to administer it for so many offences, I do not conceive it to be my duty, when they exercise their powers with judicial discretion, to interfere merely because I would not avail myself of such powers to the same extent. If it is desired to prevent whipping being awarded as a punishment as indiscriminately as it has hitherto been, I consider the only way to effect the change is by a radical alteration in the law. It is satisfactory, however, to find it has been somewhat modified by the new Code of Criminal Procedure.

35. A new feature in the administration of criminal justice was introduced last year by the appointment of Honorary Magistrates, to whom have been assigned the trial of petty cases, such as assaults, affrays, and cases of nuisance, until, with greater experience, they can be entrusted with more important work. As the Deputy Commissioner observes, too little has yet been done by the Honorary Magistrates to afford subject of much remark, for they had only sat during three months of the year. Their decisions, however, appear to me to be fairly good, whilst their errors are for the most part those of procedure. With more experience these will, no doubt, become less frequent; and I have hopes that the Benches will afford useful assistance in the administration of justice in the town if Honorary Magistrates would only learn the necessity of punctual and regular attendance. The Deputy Commissioners have experienced much difficulty in arranging work from gentlemen not attending when their turn to sit comes

round and from a want of punctuality when they do come. They do not seem to recognize the necessity of attending punctually. One may arrive at the appointed hour, whilst another will drop in an hour or so later, and a third may not appear that day at all. Again, the number of Honorary Magistrates is now very small, in consequence of so many resignations, that there is a further difficulty experienced of getting a Bench to sit even once a week. They are required to sit only twice a week. All the European gentlemen who were made Honorary Magistrates have, I regret to say, resigned as they found they could not spare the time from their own avocations; the few therefore who remain are mostly Burmans. But I am hopeful, as they come to appreciate more fully the honour that has been conferred upon them and to recognize its co-ordinate duties, they will be more regular in their attendance than has hitherto been the case.

It was intended to provide a clerk of some legal attainments who would be useful by assisting them with advice when any difficulty occurred, but one has not yet been found; and the present clerk is quite unfit for the office. He has no knowledge whatever of law or of the nature of legal business, and at the time of his appointment was a junior clerk in the survey office. He knows English indifferently, and appears unable to write an intelligible record of the cases he has to record, and yet he draws the salary which was intended for a higher and quite a different class of man. In my opinion he is of little use to the Bench, and I think it is worth consideration whether the salary should not be increased so as to induce a competent person to fill the office.

RECORDER'S COURT, RANGOON: *The 6th April 1882.*

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From JOHN JARDINE, Esq., Bo. C.S., Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 560-1, dated the 3rd May 1882.

I HAVE the honour to submit the annual report on the administration of criminal justice in British Burma (exclusive of the town of Rangoon) for the year 1881, together with a set of statistical returns.

2. The following statements show the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year. From these statements all the miscellaneous proceedings under the criminal Procedure Code shewn in Judicial statement 3 have been excluded, the figures shewn in my report for 1880 being corrected for the purpose in order that comparison may be exact :—

A.

Division.	Name of district.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1880.	1881.	1880.	1881.	1880.	1881.	1880.	1881.	1880.	1881.
ARAKAN.	Akyab ..	1,534	1,810	2,443	1,841	881	655	1,440	1,151	58·94	62·52
	Kyoukpyoo ..	955	1,176	1,040	1,119	461	467	570	641	54·80	57·28
	Sandoway ..	392	506	432	564	146	227	278	321	64·35	56·91
	Northern Arakan	36	20	54	28	22	6	31	22	57·40	78·57
	Total ..	2,917	3,512	3,969	3,552	1,510	1,355	2,319	2,135	..	..
PEGU.	Hanthawaddy ..	1,709	2,333	3,229	2,519	1,321	1,038	1,776	1,363	55·00	54·10
	Tharrawaddy ..	1,106	1,432	1,844	2,262	700	822	1,102	1,382	59·76	61·09
	Prome ..	2,897	2,975	3,858	4,200	1,284	1,517	2,528	2,615	65·62	62·26
	Total ..	5,712	6,740	8,931	8,981	3,305	3,377	5,406	5,360	..	..
IRRAWADDY.	Henzada ..	1,938	2,119	2,745	2,914	842	892	1,885	1,964	68·67	67·39
	Bassein ..	2,218	2,102	3,995	3,862	1,461	1,484	2,427	2,250	60·75	58·25
	Thonegwa ..	1,771	1,724	2,837	2,380	1,038	1,115	1,758	1,221	61·96	51·30
	Thayetmyo ..	1,208	1,907	1,647	1,674	504	528	1,100	1,064	66·78	63·56
	Total ..	7,135	7,852	11,224	10,830	3,845	3,969	7,170	6,499	..	..
TENASSERIM.	Amherst ..	1,333	1,345	1,735	1,557	674	685	1,007	819	58·04	52·60
	Shwaygyin ..	1,620	1,730	2,291	1,683	894	717	1,384	961	60·41	57·10
	Toungoo ..	973	1,150	1,231	1,236	462	491	760	730	61·73	59·06
	Tavoy ..	369	352	423	435	126	189	289	242	68·32	55·63
	Mergui ..	308	552	425	745	95	165	316	572	74·35	76·77
	Salween ..	49	55	101	98	22	25	77	73	76·23	74·48
	Moulmein ..	1,595	1,531	2,096	1,985	611	554	1,441	1,370	68·75	69·01
	Total ..	6,247	6,715	8,302	7,739	2,884	2,826	5,274	4,767	..	..
	Total ..	22,011	24,819	32,426	31,102	11,544	11,527	20,169	18,761	62·16	60·32
	Increase ..	..	2,808	..	..	..	..	..	..	..	..
	Decrease ..	..	..	..	1,324	..	17	..	1,408	..	1·84

Increase and decrease in the different districts during the year.

INCREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	276	...	...	...
Kyoukpyoo	221	79	6	71
Sandoway	114	132	81	43
Northern Arakan	...	...	...	...
Hanthawaddy	624	...	...	...
Tharrawaddy	326	418	122	280
Prome	78	342	233	87
Henzada	181	169	50	79
Bassein	...	...	...	...
Thonegwa	...	...	77	...
Thayetmyo	699	27	24	...
Amherst	12	...	11	...
Shwaygyin	110	...	...	...
Toungoo	177	5	29	...
Tavoy	...	12	63	...
Mergui	244	320	70	256
Salween	6	...	3	...
Moulmein	...	...	...	...
Total ...	3,068	1,504	769	816

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	...	602	226	289
Kyoukpyoo	...	...	...	...
Sandoway	...	...	...	...
Northern Arakan	16	26	16	9
Hanthawaddy	...	710	283	418
Tharrawaddy	...	...	...	...
Prome	...	...	...	...
Henzada	...	...	...	...
Bassein	116	133	27	177
Thonegwa	47	457	...	537
Thayetmyo	...	...	...	86
Amherst	...	178	...	188
Shwaygyin	...	608	177	423
Toungoo	...	...	...	80
Tavoy	17	...	...	47
Mergui	...	...	...	...
Salween	...	8	...	4
Moulmein	64	111	57	71
Total ...	260	2,828	786	2,224

There is an increase of 2,808 in the number of offences reported, of which increase 699 belong to Thayetmyo, 624 to Hanthawaddy, 276 to Akyab, 181 to Henzada, 326 to Tharrawaddy, and 244 to Mergui. The number of persons brought to trial is a better index of the facts. There was a decrease of 1,324, from 32,426 to 31,102. The number convicted fell from 20,169 to 18,761, the decrease being 1,408. In Arakan in 1880, according to the Commissioner and the Deputy Commissioner of Akyab, only cases considered to be true cases were included, whereas in 1881 all reported offences are entered. In some districts reporting is more thoroughly carried on than heretofore, the cause being more frequent visitation of thanas, or the appointment of a Superintendent of Police, or the recent investing of the village officers with police duties. In 1880 the police records in Tharrawaddy showed 1,411 offences, where only 1,106 had been recorded by the Magistrates. The difference may have been caused by complaints entered by the police under section 113 of the Procedure Code in which the complainant has not gone to a Magistrate, otherwise the magisterial totals should correspond to those gathered from the reports sent by the police under sections 101, 114, 117, 125, 127, 132, and 133, unless miscellaneous cases not being offences have been included.

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Arakan.	Akyab	1880	...	...	7	19	5	9	...	...	6	5	2	1	12	9	41	26	11	3	283	221
		1881	2	...	7	8	8	12	...	...	11	...	8	...	24	8	57	24	14	3	573	218
	Kyoukpyoo	1880	...	...	2	1	1	...	5	6	2	...	2	...	7	8	14	11	6	4	394	178
		1881	...	...	3	3	1	1	...	...	1	...	3	...	3	1	29	27	...	...	555	188
	Sandoway	1880	2	2	2	2	...	...	...	...	1	...	1	1	3	2	5	2	...	...	159	57
		1881	6	3	...	...	...	...	1	...	1	4	3	3	2	2	40	13	1	...	169	68
	Northern Arakan	1880	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	5
		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	2
Pegu.	Hanthawaddy	1880	6	4	13	20	5	21	5	17	12	12	7	2	18	22	39	30	106	105	459	406
		1881	3	4	9	17	4	3	8	...	22	13	6	1	21	9	54	18	217	144	895	332
	Tharrawaddy	1880	...	...	3	3	5	9	3	6	12	21	5	2	7	14	16	13	5	6	355	296
		1881	...	...	5	9	2	1	...	...	10	28	4	2	17	9	30	3	26.	13	340	328
	Prome	1880	1	1	12	8	3	2	2	9	14	6	4	1	16	9	34	22	100	50	961	480
		1881	2	2	14	10	2	1	2	1	10	8	8	4	25	14	48	36	97	60	639	432
Irrawaddy.	Henzada	1880	...	...	2	1	2	3	2	1	15	4	4	2	7	7	56	28	36	29	693	370
		1881	...	...	11	9	1	1	5	11	20	16	6	...	19	20	68	24	44	12	647	341
	Bassein	1880	...	...	7	10	2	2	6	27	17	27	4	3	5	8	36	29	15	14	529	391
		1881	2	1	14	13	3	2	1	3	10	7	6	4	18	21	70	66	22	12	507	428
	Thonegwa	1880	2	...	4	9	3	...	3	7	8	17	3	2	8	4	14	10	11	3	633	390
		1881	3	2	8	4	...	...	3	12	7	7	5	...	9	5	13	5	17	7	699	362
	Thayetmyo	1880	3	...	9	9	2	1	13	1	13	2	2	1	44	25	10	7	86	7	391	215
		1881	3	...	5	...	3	1	7	9	18	5	14	1	8	8	44	11	265	23	733	195

B—*concluded.*

Division	Name of district.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Tenasserim.	Amherst	1880 ...	1	...	14	10	1	9	1	...	3	...	2	3	7	4	22	16	93	61	485	214
		1881 ...	...	...	11	6	2	4	...	...	...	...	3	1	5	2	42	29	135	54	512	247
	Shwaygyin	1880 ...	1	...	4	3	...	...	3	9	3	2	6	1	10	7	45	19	55	11	571	203
		1881 ...	...	...	2	4	2	2	...	...	7	3	1	...	10	5	43	10	51	3	763	201
	Toungoo	1880 ...	...	...	8	4	3	1	1	2	10	...	...	...	1	...	23	12	57	17	281	127
		1881 ...	5	2	3	2	...	...	6	...	15	4	5	...	2	1	29	15	103	23	312	111
	Tavoy	1880 ...	...	...	1	1	...	...	...	...	...	...	1	4	8	11	16	11	1	1	110	77
		1881 ...	...	...	3	3	...	...	...	...	1	3	2	...	4	4	23	4	5	4	121	79
	Mergui	1880 ...	1	1	4	4	1	1	2	4	2	3	1	...	4	3	7	6	2	1	109	86
		1881 ...	...	...	...	...	...	...	4	7	1	2	1	1	1	1	10	11	...	...	256	128
	Salween	1880 ...	...	...	1	1	...	...	1	...	...	...	...	...	...	...	...	...	4	7	10	14
		1881 ...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	3	4	15	21
	Moulmein...	1880 ...	4	3	1	1	1	1	...	...	3	1	1	1	17	19	12	8	3	1	266	109
		1881 ...	4	2	2	2	1	1	...	...	1	...	...	...	12	10	13	9	2	1	269	102
	Total ...	1880 ...	21	11	95	107	34	59	47	91	121	100	45	24	174	153	390	250	591	320	6,693	3,841
		1881 ...	30	16	98	90	29	29	37	43	135	100	75	17	180	120	613	305	1,002	363	8,389	3,783
	Increase ...	...	9	5	3	...	...	...	...	...	14	...	30	...	6	...	223	55	411	43	1,696	...
	Decrease ...	...	...	...	...	17	5	30	10	48	...	...	...	7	...	33	...	...	...	...	...	58

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3. Statement B shows a small increase in murders, 98 being reported. In Henzada there were 11 murders and in Bassein 14: in 1880 the numbers were two and seven. Murders have decreased in Tenasserim from 33 to 22 and in Arakan from 12 to 10. Culpable homicides have decreased from 34 to 29 and dacoities from 47 to 37, while robberies have increased from 121 to 135. Reports of rapes increased from 45 to 75, but only 17 persons were convicted or committed. Fourteen rapes were reported in Thayetmyo, but only one person was convicted; and eight cases in Akyab, and several in Henzada and elsewhere appeared very doubtful. House-breakings have increased from 390 to 613 and cattle-thefts from 591 to 1,002. Other thefts and receivings have increased from 6,693 to 8,389.

It would be unsafe to draw general inferences from these statistics: some of those given for 1880 were not very reliable, and the Deputy Commissioner of Akyab points out that they do not show the real state of things. They depend very much on the system of reporting, and must be corrected by what the different Magistrates say in explanation.

4. There has been a falling-off in prosecutions for petty offences. The trials for nuisance under the Penal Code decreased from 1,925 to 1,630, and the number convicted from 1,281 to 1,146. Similarly for nuisances under the Police and Municipal Acts the numbers under trial were in 1880 2,061, in 1881 1,441; and the numbers convicted 1,741 and 1,211 in the respective years. The total reduction under these two items of nuisances is 915 persons charged and 665 convicted. I found a practice at Prome under which summonses were issued on mere reports from bazaar peons, municipal overseers, and Thoogyees without examining them about their complaints, and without naming in the summons the person accused of the nuisance, but leaving this important matter to the discretion of the serving peon. The requirement of section 144 of the Procedure Code was pointed out by circular, and the result is doubtless to prevent hasty and improper charges. A similar order was passed about embankment cases.

The number charged with offences against the Lottery Law and the Gambling Act fell from 2,476 to 1,862, a difference of 614 persons: the numbers convicted were in 1880 1,850 and in 1881 1,269, the difference being 581 persons.

The numbers charged and convicted under some other special laws are also smaller; the decreases are shown below:—

	Persons charged.	Persons convicted.
Opium Law	75	85
Excise do.	252	228

There were altogether 1,354 fewer men charged and 1,198 fewer convicted under these special laws (including lotteries, but not nuisances under the Penal Code nor miscellaneous cases under the Criminal Procedure Code) than in the year 1880.

5. The inference from these facts is that the police had much time available, compared with the year 1880, for attention to serious crime. The Chief Commissioner also, in March 1881, invested the rural police with the powers and duties of policemen under the Criminal Procedure Code and Act V of 1861; the exercise of the new functions was also rewarded with increase of salaries.

The Judicial Commissioner had occasion in July to give general instructions to the Magistracy as to the mode of investigating cases on complaint. They were all informed that the Procedure Code intended that a Magistrate should, as a rule, by his own examination of a complainant, find out whether it was proper to issue summons or warrant or to dismiss the case. Where the Magistrate was a long way off the scene of the offence, it might be necessary to refer the investigation to a Subordinate Magistrate or police officer; but otherwise it was undesirable to burden the police with judicial investigations, as section 23 of the Police Act imposed on them serious and more essentially police duties in regard to intelligence, prevention, detection, arrests, and the inspection of drinking-shops, gaming-houses, and other resorts of bad characters. It is obvious that so far as the Magistracy can relieve the police of judicial investigations which occupy much time and often involve a great deal of writing, the police force has more opportunity to prevent and detect crime. I think it necessary to remark

upon these different increases of available police power as some of the Magistrates make very strong reflections on the force, and as in other districts there have been large increases of cognizable crimes. The police often record depositions as fully as the Magistrates; and this labour might often be spared them if, as is the custom in the Bombay presidency, the Magistrate repaired promptly to the scene of the crime and began inquiry under section 115.

6. The state of things in Arakan is decidedly satisfactory. The percentage of convictions there has increased from 59 to 60. Serious crime has been effectively dealt with. In Akyab district there has been no dacoity since 1879, when only one case occurred. In 1881 there was no real case of robbery there. The Commissioner, Colonel Sladen, remarks on this as follows:—"Dacoity and "robbery, which under a less vigorous administration had become a national "characteristic of the people and required deliberation and skill in their committal, "have almost ceased to have any existence." The seeming increase of house-breaking in Sandoway district is due to Captain Cresswell insisting on accurate entries. He justly remarks that house-breaking is a more serious crime than theft in a house, as more than one person is generally engaged, knives or other implements are carried, and the offence is generally planned beforehand.

The Deputy Commissioner of Akyab says: "The extraordinary number of "297 or considerably more than half the thefts reported appear to have been reject-"ed as false, and yet in only three cases have prosecutions for giving false charges "been instituted. The attention of the Superintendent of Police will be specially "called to this circumstance. There were 11 cases of robbery reported during the "year, but on examination none turned out to be real robberies. There were eight "cases of rape reported at the various police-stations, which all turned out to be "groundless."

The District Magistrate himself has been invited to give his attention to this nefarious practice of making false charges. The duty of reporting on them falls on the police under sections 117, 123, and 125 of the Procedure Code. But it is the Magistrate, and not the Superintendent of Police, who is bound to form an opinion on the report; and if there is reason for a prosecution under sections 182, 203, or 211 of the Penal Code, it behoves the Magistrate to inform the police accordingly.

7. Turning to Tenasserim, the increase of thefts from 571 to 763 in Shwaygyin district is enormous. Many of these thefts are for values under one rupee, and the only explanation given is that possibly the fact that gambling is not unlawful becoming more widely known may be the cause. Even until November last the Subordinate Magistrate of Beelin in this district believed that the mere act of gaming was an offence. In 1881 125 persons were arraigned for gambling: in 1880 the number was 246. In Prome a similar fall in gambling cases occurred, but without any increase of thefts. In the Toungoo district crime is said to have increased and detection fallen off. Cattle-thefts increased from 57 to 103. The Commissioner thinks there was a want of co-operation on the part of the officials of the King of Burma. Other thefts also increased. In this district too the police had fewer cases of petty offences to deal with. In Amherst, where the police are said to have worked well, cattle-thefts and other thefts have increased.

8. In the Hanthawaddy district the increase of 111 cattle-thefts, three dacoities, 10 robberies, and 15 house-breakings is very serious. The Deputy Commissioner considers that the rural police have been more zealous to report offences; but, as the Commissioner points out, there has been no successful zeal to secure detection. The value of the property stolen in this district has mounted from Rs. 68,000 in 1880 to Rs. 82,000 in 1881, while the percentage of recovery, which affords some criterion of police ability, has fallen from 42 to 38.

The Commissioner, whose position enables him to judge impartially, describes this district as decidedly bad in regard to violent crime, and adds that in the fourth quarter of the year the police completely failed.

In Tharrawaddy house-breakings and cattle-thefts have somewhat increased.

In Prome there was a decrease of three cattle-thefts and 95 other thefts, and not a single case of dacoity was reported, although in former times 20 or 30 dacoities and robberies occurred every year. These results, which the Commissioner describes as highly creditable to the Magistracy and police, were effected under the disadvantage of the absence of an experienced Superintendent of Police. They are noticeable as they occurred along with reductions in gambling and lottery trials from 374 to 174 and in security for good behaviour cases from 73 to 41. Horse patrols were established where robberies were feared, and the security afforded to property in a year where violent crime increased greatly in some other districts may fairly be ascribed to good administration.

9. The Commissioner of Irrawaddy reports as follows: "While there has "been a slight decrease in the number of offences reported in the districts of "Thonegwa and Bassein, an increase of crime is apparent in Henzada and Tha- "yetmyo. In Henzada the number of offences reported increased by 181, and "table B shows that, unfortunately, the increase was not entirely in minor offences. "It is, however, to be remarked that the number of offences returned as true is "1,691 only, and the number of offences which actually occur, not the number "reported, is the true criterion." Of Thayetmyo the Commissioner writes: "A comparison of the past two years shows that there has been an increase in the "number of offences reported to the extent of 57 per cent. The number of "cases, however, (1,907) is little in excess of the number (1,865) in 1878, and only "seven per cent. above the number in 1879. It would thus seem that 1880 was an "unusually quiet year." Again: "There has been an increase in the number "of crimes against the person in every district but Thayetmyo. In Henzada the "increase is really serious, and the lamentable failure of the parties to detect the "offenders will certainly not tend to repress the evil. In Thayetmyo cattle-thefts "have trebled and ordinary thefts nearly doubled; and if it be that all or most "of the reported cases are true, property must be parolously insecure on the frontier "district when but one man is brought to justice for every 20 cases of cattle-theft "reported." Neither the present Deputy Commissioner nor the Superintendent of Police could account for the increase in cattle-thefts, but on further enquiry it is stated, on the authority of the late Deputy Commissioner, Colonel Davies, that it was caused by the active instigation or passive neglect of the Burmese officials, and the desire of the people in the King's territory to retaliate for the injury done to their villages during the rebellion of the Nyoung-oke Prince. Dacoities have fallen from 13 to 7, a result creditable to the police.

The police of Thayetmyo were much less burdened than in 1880 with petty offences against special laws; and only 12 out of 174 persons charged with gambling were acquitted; and the Deputy Commissioner does not think the police have interfered in non-cognizable cases or been unfairly burdened with judicial investigations. The only suggestion of judicial cause for increase of crime is the fact that the Sessions Judge occasionally releases on appeal persons convicted by the District Magistrate. One such case was brought to notice of my Court, but it was impossible to say that the Judge was wrong. The Deputy Commissioner gives another and more probable explanation: "It must also be remarked," he writes, "that in a frontier district it is exceedingly difficult to cope with this "class of crime except with the active co-operation of the people themselves. "When villagers are content to turn their cattle loose entirely without attend- "ance, frequently close to the Burmese frontier; when as is admitted in the dry "season herds are sometimes so left for months at a time, it is not surprising that "thefts of cattle are of frequent occurrence. Further, I think that the almost total "disuse of the preventive provisions of sections 504 and 505 of the Criminal Pro- "cedure Code must be taken into consideration as a very efficient cause for the "increase of this class as of other classes of crime."

It is not stated, however, that cattle herdsmen were more careless than usual in 1881, and as the village officers are now policemen, the result of their co-operation with the district force ought, as the Commissioner remarks, to lead to better surveillance of the class whose habits sections 504 and 505 are meant to restrain. Only five persons were dealt with under these sections in the whole year.

Crime has been kept in check in Bassein. There were more murders, but the cases were generally brought to light; and a satisfactory decrease occurred in

robberies. In all this great district, where a few years ago great dacoities used to occur, there was no dacoity in 1881, although three dacoits were convicted at the Sessions. With an increase of grievous hurt, exemplary sentences were passed. The increase in house-breaking is partly due to classification. Convictions in gambling cases rose from 79 to 91 per cent., the number of persons prosecuted also falling from 446 to 271.

In Thonegwa the only increase to notice is in petty thefts, which the Deputy Commissioner reasonably supposes is the result of better reporting through the activity of the rural police. Serious crime seems to be well kept down.

In Henzada serious crime has increased, and although the reduced number of petty offences and increase of the village officers' powers might have been expected to cause better results in dealing with murders and robberies, the detection is described by both the Commissioner and the District Magistrate as very bad. Major Spearman sums up as follows: "This is undoubtedly a heavy roll "of serious crime, and the detection has been very bad. Eleven murders (two "double and one in dacoity) and one attempt to commit murder, with one culpable "homicide not amounting to murder, and convictions in only four cases * * * "21 robberies and convictions in only six cases. The action of the police in detec- "tion was very bad * * Dacoities and robberies have increased from 8 to 25, "have more than trebled, and the number of persons convicted has increased from "22 to 36 only. The detection here was more faulty than in any other class of "crime."

The Magistrate accuses the police of too great a readiness to arrest persons for bad livelihood, but it appears they acted under the oversight of two Subdivisional Magistrates.

The police are not concerned in embankment cases. These have led to the trial of 839 persons in Henzada district, where in 1880 only 350 were tried. Excluding these and including among offences against special laws nuisances under the Penal Code, the number of persons tried in Henzada for petty offences fell from 695 to 596.

10. Throughout the province four persons were convicted of offences relating to the coinage and five of forgery.

11. A very curious class of cases requires some notice here. Towards the close of 1881 I called for a number of opium and excise cases in which the convictions were based on the evidence of accomplices, usually policemen and their spies, who incited the accused to make illegal sales and subsequently denounced them. The Magistrates appeared unaware of the application of sections 40 and 114 of the Penal Code to such transactions, and not only inflicted heavy fines on the accused but ordered large rewards to be given out of the fines to the informers who had instigated the offences. Mr. Crosthwaite reversed a conviction in which a man had been enticed by a policeman to commit the offence of selling him putrid meat. The Lower Courts have been informed of the impropriety of such proceedings, and I do not doubt that the detective ingenuity of the police will find ample opportunities in other cases.

12. While I have little doubt that more serious crime has been reported because of the stimulus applied to the rural police, I cannot say that this explanation is consolatory; it is tantamount to saying that only part of the year's crime was reported in 1880, nor is that satisfactory; it implies either that the people would not complain of cognizable offences, or that the police did not investigate them, or that they did not keep the Magistracy informed as section 114 and other parts of Chapter X of the Procedure Code require. If the District Magistrates make proper arrangements, the Magistrates would know of every cognizable case suspected or enquired into by a policeman and of every arrest. It is no part of my duty to control the police, but rather to see that the Courts do their work, and for the latter purpose I lately reported to Government a case in which several persons had been charged and arrested by the police and after some ill-treatment discharged without report to a Magistrate. The magisterial jurisdiction imposed by law was thus usurped. I suggested that the police Inspectors should report all such omissions that might come to their knowledge, several Magistrates having told me that in all their experience none such had ever been reported by a police officer. Mr. Hough, whose opinion I greatly value, has made some enquiry in Hanthawaddy: he is disposed to believe that the district police do their duty in the way of reporting, but that the rural police sometimes

do not, but discharge arrested persons on their own illegal orders and with a view to illegal gain. Although I cannot ignore the increase of real crime in Thayetmyo, Henzada, Hanthawaddy, and some other districts, it has not been represented, except by the Deputy Commissioner of Thayetmyo, that this result is caused by any failure in judicial administration, while the figures show that the police had lots of time saved from petty cases, and the new orders gave them the co-operation of the village police in the control of evil-doers. I think it necessary to forward to the Chief Commissioner the reports on Thayetmyo and Henzada, as the Judicial Commissioner has no function to judge of the police arrangements in those districts.

13. The percentage of convictions before Magistrates to persons brought to trial was 60·32 compared with 62·16 of 1880. The most notable decrease is in Thonegwa, and is explained as due to the awe felt by the Magistrates of the revisionary jurisdiction of my Court. In Thonegwa 363 persons were charged with assault and criminal force, of whom 218 were acquitted or discharged; 285 were charged with rioting and unlawful assembly, of whom 144 were let go; and for criminal trespass 152, of whom 114 were let go. I am quite satisfied from inspections of many Courts and from reports of experienced officers that many complaints of insult, hurt, assault, and trespass are honestly made, and when the complainant has cooled down, or the accused settled with him, the prosecution is abandoned. The resort to the Courts and the later withdrawals are both legal and natural, and although the number of discharges is swelled it is probable that many retaliations and heartburnings are avoided.

The number of persons convicted by District Magistrates is 2,663, or 14·20 per cent., of the total convicted by Honorary Magistrates 524, or 2·79 per cent., and by other Magistrates 15,574, or 83·01 per cent.

14. The following table shows the amount of criminal business in the several districts, the result of the trials, and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended miscellaneous cases under the Criminal Procedure Code have been excluded as in paragragh 2 of this report:—

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended
Arakan.	Akyab	1,841	312	343	1,151	26	3	6	5·34	3,860
	Kyoukpyoo ...	1,119	227	240	641	4	7	...	3·20	3,521
	Sandoway... ...	564	91	186	321	5	...	11	4·08	1,792
	Northern Arakan ...	28	3	3	22	...	...	...	2·78	32
	Total ...	3,552	633	722	2,135	35	10	17		9,205
Pegu.	Hanthawaddy ...	2,519	639	899	1,363	46	14	58	3·78	4,908
	Tharrawaddy ...	2,262	241	581	1,382	13	9	36	3·11	4,586
	Prome	4,200	598	919	2,615	24	8	36	2·52	8,494
	Total ...	8,981	1,478	1,899	5,360	83	31	130		17,988
Irrawaddy.	Henzada	2,914	364	528	1,964	11	...	47	5·	5,232
	Thonegwa	2,380	424	691	1,221	19	...	25	5·4	4,480
	Bassein	3,862	427	1,007	2,250	15	121	42	6·4	8,509
	Thayetmyo ...	1,674	314	214	1,064	16	19	47	9·54	3,891
	Total ...	10,830	1,529	2,440	6,499	61	140	161		22,062
Tenasserim.	Amherst	1,557	292	393	819	12	2	39	9·	2,883
	Shwaygyin ...	1,683	261	456	961	1	...	4	4·44	4,056
	Toungoo	1,286	72	419	730	3	3	9	4·	3,008
	Tavoy	485	66	123	242	3	...	1	4·	1,200
	Mergui	745	41	124	572	5	...	3	3·	1,451
	Salween	98	5	20	73	...	...	...	4·	188
	Moulmein	1,985	90	464	1,370	34	1	26	3·7	4,123
	Total ...	7,789	827	1,999	4,767	58	6	82		16,899
	Total ...	31,102	4,467	7,060	18,761	237	187	390	4·62	66,154
	In 1880 ...	32,426	5,010	6,584	20,169	349	88	276	4·33	69,550

15. The following table shows the punishments inflicted by the different *magisterial authorities and the orders passed in their preventive jurisdiction :—*

Division.	Name of district.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	*Rigorous imprisonment.* Two years and under.	*Rigorous imprisonment.* Over two years.	Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour.
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab ..	2	5	283	5	855	40	14,817 3 0	13,126 5 4	1,001 12 0	19	9
	Kyoukpyoo ..	..	1	241	6	393	44	6,806 8 6	5,387 2 6	2,017 2 0	30	..
	Sandoway ..	..	4	133	9	226	6	1,581 10 0	1,376 11 3	122 2 0	..	4
	Northern Arakán	..	..	12	..	11	..	211 0 0	211 0 0	70 0 0	..	..
	Total ..	2	10	669	20	1,485	90	23,416 5 6	20,101 3 1	3,211 0 0	49	13
Pegu.	Hanthawaddy ..	7	19	505	13	815	79	21,375 2 0	14,521 2 0	818 0 0	4	16
	Tharrawaddy ..	9	11	418	39	905	89	17,521 0 0	12,659 0 0	1,297 0 0	3	16
	Prome ..	1	7	500	34	1,934	140	33,728 5 0	27,647 2 5	1,923 12 0	33	41
	Total ..	17	37	1,453	86	3,654	308	72,624 7 0	54,827 4 5	4,038 12 0	40	73
Irrawaddy.	Henzada ..	9	8	371	55	1,471	108	16,682 14 0	13,227 0 0	2,741 8 0	..	74
	Thonegwa ..	15	10	396	24	771	93	21,151 15 6	14,494 15 6	1,150 0 0	5	45
	Bassein ..	17	7	586	22	1,582	132	26,702 2 0	20,093 0 0	2,067 0 0	..	75
	Thayetmyo ..	5	5	284	8	778	55	15,394 15 0	9,677 10 9	1,129 0 0	4	5
	Total ..	46	30	1,637	109	4,602	380	79,931 14 6	57,492 10 3	7,087 8 0	9	199
Tenasserim.	Amherst ..	3	4	330	10	463	28	14,566 8 6	9,523 10 8	897 2 3	1	21
	Shwaygyin ..	2	8	327	9	589	57	8,078 2 0	6,055 7 0	738 6 0	8	11
	Toungoo ..	1	13	217	15	525	16	7,976 2 0	5,066 5 3	866 8 0	..	18
	Tavoy ..	2	..	94	1	137	24	3,537 0 0	2,171 10 8	155 0 0	..	2
	Mergui ..	..	2	183	9	361	18	5,889 0 0	5,077 0 0	1,374 0 0	2	3
	Salween ..	..	11	71	..	41	2	628 0 0	294 0 0	44 0 0	..	11
	Moulmein ..	3	10	156	..	1,178	31	9,560 0 0	7,831 8 0	333 0 0	1	..
	Total ..	11	48	1,378	44	3,294	176	50,234 12 6	36,019 9 7	4,408 0 3	12	66
	Total ..	76	125	5,137	259	13,035	962	2,26,207 7 6	1,68,440 11 4	18,745 4 3	110	351
	In 1880 ..	121	182	4,943	320	14,203	1,009	2,91,792 1 6	2,13,302 3 6	22,402 2 5	229	534

Of 18,761 persons convicted of offences by Magistrates, 12,296 were punished with fine only, being 65 per cent. In 1879 the proportion was 70 and in 1880 66 per cent. Sentences exceeding two years' imprisonment have decreased, although repeated orders have been issued about the placing of habitual offenders before Deputy Commissioners, as section 315 of the Procedure Code requires. Whippings are fewer, and instances of solitary confinement much fewer. Two Subordinate Magistrates had their powers reduced because of harsh resort to the infliction of whipping. Out of Rs. 2,26,207 of fines imposed, Rs. 1,68,440 were realized, being a percentage of 74·46. In 1880 it was 73·10 and in 1877 72·35. The average fine is Rs. 17, and the scale of fines is still too high. I have given very great attention to this matter in 1881 and succeeded somewhat in getting fines reduced in cases of abusive language, assaults, excise and opium cases. It is possible to form some opinion of the influence of District Magistrates over their subordinates by comparing the amount of fines with that of realizations. If the first is reasonable, the latter ought to be large. In Akyab 89 per cent. was collected instead of 69 in 1880. In Prome 82 per cent. was collected instead of 80, and the average fine fell from Rs. 18 to Rs. 17. In Bassein the percentage was increased from 70 to 75. The Deputy Commissioner says the Subordinate Magistrates are more careful to enquire into the means of the people. In Henzada the percentage has increased to 79. In Tharrawaddy it was 72. In Hanthawaddy the percentage was only 68, in Thonegwa 68·5, in Thayetmyo 63, and in Amherst 65.

In Amherst and elsewhere excessive fines were imposed in opium and excise cases in the hopes that some wealthy person, supposed to be the employer of the accused, would pay the fine. I have called for and revised a number of these unjust orders, and I regret that more were not brought to notice by the District Magistrates. In other cases heavy but ineffectual fines have been imposed when the gravity of the offence required a severer sentence, *e.g.*, where a great case of smuggling resulted at Shwaygyin in a fine of Rs. 300 only. On the 12th August I issued the following circular :—

"The Judicial Commissioner begs to draw the attention of all the criminal "Courts to the observations of the Chief Commissioner on paragraph 15 of his "Resolution on the Criminal Justice Report for 1880 on the subject of excessive "fines. Cases have occurred in which through the largeness of the fine the inten- "tion of the Magistrate has been defeated, and men have gone to prison from "absolute inability to pay. Some of these cases caused great expense to Govern- "ment, *e.g.*, where for default of payment the accused was taken from Prome dis- "trict to Thayetmyo Jail, kept there a few days, and then taken back at the expense "of Government. In many cases the accused has suffered the imprisonment and "been sold up as well, and thus thrown on the world in circumstances likely to "lead to immorality and crime. In other cases, as mentioned by the Chief Com- "missioner, Burman families, including innocent people, have been absolutely "ruined.

"The Judicial Commissioner would point out that Sessions Judges and Dis- "trict Magistrates are, by sections 295 and 296 of the Criminal Procedure Code, "invested with a jurisdiction to deal with severe sentences even when the sentences "are not before them in appeal, and this jurisdiction they are bound to exercise.

"Section 70 of the Indian Penal Code lays down a general rule which in "particular cases may cause great hardship. In discussing this subject the framers "of the Penal Code state their opinion that such particular cases must be left to "the merciful consideration of the Executive Government. On a reference made "to the Chief Commissioner, the Judicial Commissioner has ascertained that the "Chief Commissioner will consider any proposals in which valid cause is shown "for remitting fines which are impossible of collection, or which it is inexpedient "to collect but where public policy would be best served by letting a man's future "earning be beyond the surveillance of the police so that he may be encouraged to "become industrious again. In this manner it is hoped that a great many fines, "even within the six-years' limit, may be remitted. The Judicial Commissioner "thinks such proposals may be best submitted through the Commissioners."

I have since sent a reminder about the above, and the Chief Commissioner will be able to say whether any action has been taken on it.

16. In some of the districts the Deputy Commissioner sees very little of the criminal work. In 1881 only 13 persons appealed to the Deputy Commissioner of Hanthawaddy, only 10 to the Deputy Commissioner of Amherst, and only 18 to the Deputy Commissioner of Shwaygyin. Unless therefore such Magistrates exert themselves to call for and examine the cases tried, they are liable to lose control over their subordinates. An old circular of my Court requires Magistrates to record on their proceedings whether fines have been paid. In many instances this circular has been ignored ; and apparently the District Magistrates have seldom enquired into the fact or been able to say whether the fine was excessive or otherwise.

17. The amount of fines awarded as compensation was Rs. 18,745, being 8·28 per cent. on the amount imposed. In 1879 the proportion was 5·92 and in 1880 7·68 per cent. The progress is in the right direction. It is more marked in some districts and Courts than others. In Hanthawaddy the amount was only Rs. 818. In Bassein, out of Rs. 20,093 realized from fines, Rs. 2,067 were paid as compensation, while above Rs. 8,000 were paid as rewards to informers and others.

It would be well if the Courts would show as much alacrity to compensate under section 308 of the Procedure Code people injured by offences as they do to reward informers. Early in the year I had occasion to restrain this zeal and to

inform the Courts that where no statutable authority exists for the payment of fines as rewards, they must get sanction from the Executive Government. Glaring cases came to light where sums of Rs. 100 and upwards were given, not for informing against a common gaming-house, but against mere gambling on a road. Although Act V of 1844, which gave the informer half the fine in a lottery case, is repealed, such rewards were still given. The whole subject was afterwards reviewed by the Chief Commissioner, who defined the limits within which the Courts might grant rewards under the sanction of the Executive.

18. Security cases have decreased. Only 110 persons were bound over to keep the peace and 351 for good behaviour. In 1880 the numbers were 229 and 534. The Commissioner thinks sufficient use is not made of these preventions in Hanthawaddy; and the Deputy Commisssioner seems to think the same about Thayetmyo. The law is reported to have been used oppressively in Henzada. At an inspection of Mr. de la Courneuve's Court in the Thonegwa district I had occasion to release six men, and to draw the District Magistrate's attention to the advantage of seeing how the law was enforced. A painful case was also brought to light by Colonel Davies, and I have issued very full instructions as to the proper procedure in cases under sections 504 and 505 besides examining nearly all that I came across on my inspection tours.

19. In the following table is shown the number of appeals from Subordinate Magistrates and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals :—

Division.	Name of district.	Number of persons convicted.	Number of persons who appealed.	Number of persons in whose cases: Sentence was confirmed or appeal rejected.	Sentence was modified: Enhanced.	Sentence was modified: Reduced.	Sentence reversed or proceedings quashed.
Irraw-addy. Pegu. Arakan.	Akyab	572	36	12	...	15	9
	Kyoukpyoo	544	85	18	2	4	16
	Sandoway	248	26	18	2	4	2
	Northern Arakan	...	...	...	...	...	...
	Hanthawaddy	702	13	6	1	1	5
	Tharrawaddy	1,283	20	14	...	1	5
	Prome	1,031	22	12	...	3	7
	Henzada	1,122	44	19	...	21	4
	Thonegwa	1,086	71	33	...	30	7
	Bassein	1,864	52	24	1	4	22
	Thayetmyo	799	90	13	...	42	34
Tenasserim.	Amherst	226	10	4	...	2	4
	Shwaygyin	886	18	8	1	7	7
	Toungoo	617	33	19	4	4	5
	Tavoy	184	29	7	...	4	14
	Mergui	223	6	3	...	3	...
	Salween	..	...	...	...	...	...
	Moulmein	477	2	...	...	...	2
	Total ...	11,814	507	200	11	145	148
	In 1880 ...	12,252	517	211	12	105	161

Out of 11,814 persons who might have appealed to the District Magistrates only 507 appealed, of whom 288 got their sentences reversed or reduced, while 11 were enhanced, and 200 let alone. About two in every seven sentences appealed were reversed. The present tendency is to increase the powers of Subordinate Magistrates and to place more work on the Sessions Judges, thus leaving more time to the District Magistrates for superintendence of Subordinate Courts, for the general control of the police imposed by Act V of 1861, and for the effectual punishment of habitual offenders. In Prome out of 13 Subordinate Magistrates eight have 1st class powers.

20. The work of the Courts of Session in trials is shown below :—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with assessors.	Number of cases in which Judge disagreed with assessors.	Remarks.
Arakan.	Commissioner and Sessions Judge ..	44	8	33	4	14·51	3	..	9	4	
Pegu	Commissioner and Sessions Judge ..	90	30	52	7	47·5	8	2	33	16	
	Judicial Commissioner ..	50	10	15	..	34·82	..	..	12	5	13 withdrawn. 12 transferred.
Irrawaddy.	Commissioner and Sessions Judge ..	34	15	13	3	42·6	6	3	11	4	
Tenasserim.	Commissioner and Sessions Judge ..	29	7	17	4	49·	5	1	12	7	
	Judge of Moulmein ..	38	12	26	..	26·	..	..	..	..	
	Total ..	285	82	156	18	35·73	22	6	77	36	13 withdrawn. 12 transferred.
	In 1880 ..	362	130	214	48	27·38	14	14	89	66	Two charges withdrawn. Two died or transferred.

From the 1st July the jurisdiction of Sessions Judge, exercised in Hanthawaddy by the Judicial Commissioner, reverted to the Commissioner of Pegu, and about this time the creation of the Irrawaddy Sessions division out of that of Pegu took place. In 1880 the number of persons brought for trial in these two divisions, including Hanthawaddy, was 198; in 1881 it was 174.

The number of persons sent up for trial at the Sessions has fallen from 362 to 285; in 1879 it was 289.

21. The various punishments inflicted by the Courts of Session were as follows :—

Division.	Designation of Judge.	PERSONS SENTENCED TO										AMOUNT OF FINE		
			TRANSPORTATION.		IMPRISONMENT.									
					Rigorous.		*Simple.*							
		Death.	For life.	For a term.	Over seven years.	Seven years and under.	Over seven years.	Seven years and under.	Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	Awarded as compensation.
												Rs.	Rs.	Rs.
Arakan.	Commissioner and Sessions Judge ...	4	7	...	4	17	...	1	...	2	1	400	400	...
Pegu.	Commissioner and Sessions Judge ...	7	15	3	3	24	..	...	...	...	...	...	...	...
	Judicial Commissioner, British Burma.	...	...	2	...	13	...	...	...	...	...	...	...	...
Irrawaddy.	Commissioner and Sessions Judge ...	3	2	...	...	8	...	...	...	...	...	...	...	..
Tenasserim.	Commissioner and Sessions Judge ...	4	5	...	...	8	...	...	...	...	...	...	...	...
	Sessions Judge, Moulmein ...	...	1	...	4	13	...	1	1	7	1	650	450	250
	Total ...	18	30	5	11	83	...	2	1	9	2	1,050	850	250
	1880 ...	48	20	26	28	79	...	...	1	8	...	910	200	...

22. The result of appeals from Magistrates to Courts of Session was as follows:—

Division.	Name of district.	Number of persons convicted in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Sentences: Enhanced.	Sentences: Reduced.	Number of persons whose sentences were reversed or proceedings quashed.	Remarks.
Arakan.	Akyab	108	29	14	...	2	8	4 not appealable. 1 pending.
	Kyoukpyoo ...	87	5	3	...	...	1	1 not appealable.
	Sandoway ...	50	14	11	1	1	...	1 pending.
	Northern Arakan ...	...	...	...	...	...	...	
	Total ...	245	48	28	1	3	9	
Pegu.	Hanthawaddy ...	518	55	44	...	2	9	
	Tharrawaddy ...	111	63	32	...	8	23	
	Prome	536	65	52	...	1	12	
	Total ...	1,165	183	128	...	11	44	
Irrawaddy.	Henzada... ...	258	61	45	...	9	7	
	Thonegwa ...	267	49	20	...	12	17	
	Bassein	213	39	24	...	5	10	
	Thayetmyo ...	156	64	42	...	12	9	1 died.
	Totai ...	894	218	131	...	38	48	
Tenasserim.	Amherst... ...	260	21	11	...	3	7	
	Shwaygyin ...	149	22	10	...	3	8	1 pending.
	Toungoo ...	140	73	51	...	10	6	2 referred. 4 pending.
	Tavoy	49	23	20	...	3	...	
	Mergui	81	31	27	...	...	4	
	Salween	43	...	...	...	...	...	
	Moulmein ...	52	3	2	...	...	1	
	Total ...	774	173	121	...	19	26	
	Total ...	3,078	617	408	1	71	122	7 pending. 5 not appealable. 2 referred. 1 died.
	In 1880 ...	3,067	597	392	17	64	106	10 pending. 2 remanded. 2 not appealable. 2 rejected. 1 referred. 1 transferred.

Owing to the larger number of Magistrates exercising 1st class powers, the area of appeals to the Sessions Judges is greatly increased, but the number of appellants has hardly increased at all. Out of 617 sentences, 122, or one in five, were reversed and 71 reduced. The proportions in 1880 were about the same.

The sentences above three years, passed by Deputy Commissioners on 155 persons under the special powers given by section 36 of the Procedure Code, were also referred to Sessions Judges.

23. The work of Appellate Courts is shown in the following table :—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry.	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.
Arakan.	Mr. W. deCourcy Ireland, District Magistrate, Akyab.	4	4	...	15·5	...	...
	Major M. C. Poole, District Magistrict, Akyab ...	3	3	...	9·6	...	...
	Mr. D. J. A. Campbell, ditto, ditto ...	2	2	...	30·	...	...
	Captain C. H. E. Adamson, District Magistrate, Akyab	6	6	...	19·3	...	...
	Lieutenant-Colonel W. W. Pemberton, District Magistrate, Kyoukpyoo	22	22	...	10·5	...	...
	Captain F. D. Raikes, District Magistrate, Kyoukpyoo	5	5	...	5·9	...	...
	Major M. C. Poole, District Magistrate, Sandoway...	4	4	...	6·75	...	...
	Captain C. A. Cresswell, District Magistrate, Sandoway	19	19	...	2·52	...	...
	Colonel E. B. Sladen, Commissioner and Sessions Judge of Arakan	42*	35	...	12·8	2	...
	Total ...	107	100	...	...	2	...
Pegu.	Lieutenant-Colonel W. C. Plant, District Magistrate, Hanthawaddy	18	18	...	1·16	...	...
	Mr. G. J. S. Hodgkinson, District Magistrate, Tharrawaddy	20	20	...	6·	...	...
	Mr. W. C. Midwinter, District Magistrate, Tharrawaddy						
	Mr. A. Hough, District Magistrate, Prome ...	22	22	...	4·8	...	...
	Major G. Alexander, District Magistrate, Prome ...						
	Colonel H. A. Browne, Commissioner and Sessions Judge, Pegu	216	197	9	15·7	10	...
	Mr. G. J. S. Hodgkinson, Officiating Commissioner and Sessions Judge, Pegu...						
	Lieutenant-Colonel C. W. Street, Commissioner and Sessions Judge, Pegu						
	Mr. J. Jardine, Judicial Commissioner, British Burma, as Sessions Judge	21†	17	...	17·70	...	...
	Total ...	292	269	9	...	10	...
Irrawaddy.	Mr. C. J. A. Duke, District Magistrate, Henzada ...	26	26	...	18·	...	...
	Major H. R. Spearman, District Magistrate, Henzada.						
	Mr. H. Buckle, District Magistrate, Thonegwa ...	24	23	...	7·22	1	...
	Mr. F. S. Copleston, District Magistrate, Thonegwa						
	Colonel W. Munro, ditto, Bassein ...	52	51	1	16·88	...	...
	Colonel H. N. Davies, ditto, Thayetmyo	36	35	...	5·8	1	...
	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge, Irrawaddy	145	133	3	24·62	9	1
	Total ...	283	268	4	...	11	1
Tenasserim.	Mr. J. K. Macrae, District Magistrate, Amherst ...	5	5	...	16·	...	...
	Major C. H. A. Gower, ditto, Shwaygyin...	13	13	...	11·	...	...
	Major G. A. Strover, ditto, Toungoo ...	11	11	...	7·	...	...
	Mr. A. M. B. Irwin ditto, ditto ...						
	Major W. G. Hughes, ditto, Tavoy ...	24	20	2	6·	2	...
	Captain C.H.E. Adamson, District Magistrate, Tavoy						
	Mr. C. J. A. Duke, District Magistrate, Tavoy ...						
	Captain J. Butler, ditto, Mergui ...	6	6	...	16·	...	...
	Mr. J. C. Davis, ditto, Salween ...	...	...	...	...	...	...
	Major M. Furlong, ditto, Moulmein...	2	2	...	4·5	...	...
	Mr. A. R. Birks, Sessions Judge, Moulmein ...	2	2	...	11·	...	...
	Colonel A. G. Duff, Commissioner and Sessions Judge, Tenasserim	136‡	131	...	16·	4	...
	Total ...	199	190	2	...	6	...
	Total ...	881	827	15	11·76	29	1
	In 1880 ...	856	836	8	9·49	17	8

* Five not appealable.
† Four transferred to the Commissioner of Pegu.
‡ One referred to the Judicial Commissioner.

24. In the following table is shown the work of the Court of the Judicial Commissioner as a Court of Appeal :—

Division.	Designation of tribunal and name of District Magistrate or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				Pending.
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.	
Arakan.	Major M. C. Poole, District Magistrate, Akyab ...	4	4	...	...	...	...	...
	Mr. D. J. A. Campbell, ditto, do. ...	2	...	1	...	1	...	...
	Mr. W. deCourcy Ireland, District Magistrate, Akyab	1	...	...	...	...	1	...
	Lieutenant-Colonel W. W. Pemberton, District Magistrate, Kyoukpyoo	3	1	2	...	...	...	...
	Major M. C. Poole, District Magistrate, Sandoway	1	1	...	...	...	...	...
	Captain C. A. Cresswell, District Magistrate, Sandoway	4	3	...	...	...	1	...
	Colonel E. B. Sladen, Commissioner and Sessions Judge, Arakan	15	7	4	...	3	1	...
	Total ...	30	16	7	...	4	3	...
Pegu.	Lieutenant-Colonel W. C. Plant, District Magistrate, Hanthawaddy	13	4	1	...	1	4	3
	Mr. G. J. S. Hodgkinson, District Magistrate, Tharrawaddy	9	1	6	...	1	1	...
	Mr. W. C. Midwinter, District Magistrate, Tharrawaddy	21	4	4	...	1	12	...
	Mr. A. Hough, District Magistrate, Prome ...	5	5	...	...	...	...	...
	Major G. Alexander, ditto, do. ...	14	5	...	...	...	6	3
	Colonel H. A. Browne, Commissioner and Sessions Judge, Pegu	17	5	7	...	2	3	...
	Mr. G. J. S. Hodgkinson, Officiating Commissioner and Sessions Judge, Pegu	17	4	9	...	...	4	...
	Lieutenant-Colonel C. W. Street, Commissioner and Sessions Judge, Pegu	14	5	1	...	...	3	5
	Total ...	110	33	28	...	5	33	11
Irrawaddy.	Mr. C. J. A. Duke, District Magistrate, Henzada	17	2	7	1	...	7	...
	Major H. R. Spearman, District Magistrate, Henzada	14	9	4	...	...	...	1
	Mr. G. L. Weidemann, District Magistrate, Thonegwa	1	...	...	...	...	1	...
	Mr. F. W. Fox, District Magistrate, Thonegwa ...	4	1	...	...	...	3	...
	Mr. H. Buckle, ditto, ditto ...	9	2	5	...	2	...	...
	Colonel W. Munro ditto, Bassein ...	25	12	7	...	...	4	2
	Captain T. M. Jenkins, Assistant Magistrate, Bassein	1	...	...	1	...	...	...
	Colonel H. N. Davies, District Magistrate, Thayetmyo	7	6	1	...	...	...	...
	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge, Irrawaddy	12	3	2	1	1	3	2
	Total ...	90	35	26	3	3	18	5
Tenasserim.	Major C. H. A. Gower, District Magistrate, Shwaygyin	4	...	...	...	...	3	1
	Major G. A. Strover, District Magistrate, Toungoo	17	10	3	...	...	1	3
	Major W. G. Hughes, ditto, Tavoy...	3	...	...	...	...	...	3
	Captain J. Butler, ditto, Mergui...	4	1	1	...	...	...	2
	Major M. Furlong, ditto, Moulmein	1	...	...	...	...	...	1
	Mr. A. R. Birks, Sessions Judge, ditto	8	7	1	...	...	...	...
	Colonel A. G. Duff, Commissioner and Sessions Judge, Tenasserim	14	5	6	...	...	...	3
	Total ...	51	23	11	...	...	4	13
	Total ...	281	107	72	3	12	58	29
	In 1880 ...	309	159	40	12	26	50	22

These appeals have fallen from 309 to 281: in 1879 there were 206. They lie from the five Sessions Judges and the 17 Deputy Commissioners exercising special powers under section 36 of the Procedure Code. In 23 per cent. of the appeals heard the sentences were reversed. In 1880 the percentage was 17.

25. The work of the Judicial Commissioner's Court as a Court of Revision is shown in the following table:—

Division.	Name of district.	Number of persons whose cases were called for.	Sentence.			Reversed.	Pending.	Remarks.
			Confirmed.	*Modified.*				
				Enhanced.	Reduced.			
Arakan.	Akyab	67	47	...	5	14	1	
	Kyoukpyoo	48	34	...	2	8	4	
	Sandoway	33	16	...	3	14	...	
	Northern Arakan ...	3	1	1	...	1	...	
	Commissioner and Sessions Judge of Arakan ...	10	10	...	...	...	...	
	Total ...	161	108	1	10	37	5	
Pegu.	Hanthawaddy ...	129	84	1	11	25	8	
	Tharrawaddy ...	128	88	3	8	28	1	
	Prome	147	92	3	18	34	...	
	Commissioner and Sessions Judge of Pegu ...	11	10	...	1	...	...	
	Total ...	415	274	7	38	87	9	
Irrawaddy.	Henzada	103	66	1	9	17	10	
	Thonegwa	111	56	...	24	27	4	
	Bassein	114	69	...	8	35	2	
	Thayetmyo	99	61	...	2	35	1	
	Commissioner and Sessions Judge of Irrawaddy ...	...	...	...	...	...	...	
	Total ...	427	252	1	43	114	17	
Tenasserim.	Amherst	69	41	...	3	19	6	
	Shwaygyin	80	39	...	1	38	2	
	Toungoo	30	10	...	4	12	4	
	Tavoy	34	18	...	2	14	...	
	Mergui	43	22	3	1	17	...	
	Salween	30	13	...	...	17	...	
	Moulmein	52	39	2	1	10	...	
	Commissioner and Sessions Judge of Tenasserim ...	1	1	...	...	...	...	
	Total ...	339	183	5	12	127	12	
	Total ...	1,342	817	14	103	365	43	
	In 1880 ...	1,461	1,018	20	25	257	141	

The cases of 1,201 persons were called for in the year: those of 141 persons were pending when it began, those of 1,299 were disposed of, and those of 43 remained pending. The orders passed on 817 were left alone, and the remainder, or 37 per cent., were reversed or modified. Last year the proportion was 23 per cent. The reason of this great difference is, I think, that cases were called for less at random on mere inspection of the monthly returns and more for definite reasons. I was on circuit for 112 days of the year and examined a great many Courts on the spot in the Arakan, Pegu, and Irrawaddy divisions, and in Moulmein and the Amherst, Tavoy, and Megui districts of Tenasserim. While looking over bundles of hundreds of cases, I would transfer to the revision file those cases only which appeared to require revision. Out of 703 cases disposed of in revision during the year, 529 were called for by the Judicial Commissioner on his own

motion and 54 at the instance of parties or their friends, while 45 were referred by Sessions Judges and 75 by District Magistrates, as shown below:—

			Cases.
Commissioner of Arakan		...	8
Ditto	of Pegu	...	15
Ditto	of Irrawaddy	...	14
Ditto	of Tenasserim	...	13
Deputy Commissioner of Akyab		...	5
Ditto	ditto Kyoukpyoo	...	8
Ditto	ditto Sandoway	...	2
Ditto	ditto Hanthawaddy	...	4
Ditto	ditto Tharrawaddy	...	5
Ditto	ditto Prome	...	17
Ditto	ditto Thonegwa	...	4
Ditto	ditto Bassein	...	5
Ditto	ditto Henzada	...	4
Ditto	ditto Thayetmyo	...	6
Ditto	ditto Amherst	...	1
Ditto	ditto Shwaygyin	...	9
Ditto	ditto Toungoo	...	4
Ditto	ditto Tavoy	...	4
Ditto	ditto Mergui	...	1
Assistant Commissioner of Salween		...	1
	Total	...	120

Generally there is some apparent cause for an application by a party or a reference by a Judge or Magistrate, and the year's result may, in my opinion, be the natural consequence of the jurisdiction being better understood and worked.

26. In successive reports the great importance of this jurisdiction has been discussed. The sentences examined were more numerous than the sum of those appealed to all the District Magistrates and Sessions Judges, although the gravity of the latter sentences is greater. It may here be remarked, as showing the great differences between this province and Oudh, that in his report for 1880 the Judicial Commissioner of Oudh says that he had considered the advisability of giving up the monthly returns of cases which kept him informed of what trials had been held. In Oudh it is perhaps safe to do without incessant exercise of revision and superintendence and the practice of inspection tours. In Burma that time has not yet come, and it would be unsafe to leave errors to be detected only on the appeals and motions of the parties.

Besides the cases included in the return I examined more or less the work of many Courts, and the Commissioners have also done a good deal of supervision in the same way. The District Magistrates too have taken a great deal of trouble. Thus 73 cases were examined in Sandoway, 40 at Akyab, 31 in Thonegwa, 55 in Thayetmyo, 58 in Amherst, 100 in Toungoo, and 16 in Tavoy. In Prome also there has been careful supervision. The Commissioner of Irrawaddy examined cases affecting 261 persons. Some of the Magistrates have not stated the number examined by them.

The effect of this supervision by the local Courts of Control has already become apparent. The Subordinate Magistracy have been enjoined to commit habitual offenders to the Deputy Commissioner or the Sessions Court. The Deputy Commissioners have been restrained from trying cases of homicide or other capital crimes which may more properly be tried at the Sessions. A number of convictions in very serious cases heard in the lower Courts have been brought up and quashed and committal to the proper Court ordered. Unless this regulative jurisdiction were enforced, the most murderous and dangerous crimes would escape adequate punishment. In one trial the Deputy Commissioner recorded that an insurrection had been planned and yet treated the case as dacoity. In several cases of kidnapping the Courts assumed the pretended power of dispensing with laws and sentencing to fine only where the Penal Code required imprisonment to be awarded.

The District Magistrates have been informed of the responsibility imposed on them of seeing how their subordinates apply sections 504 and 505 of the Procedure Code. I have especially impressed this on the Magistrate of Thonegwa. In many of these cases there is no definite charge; several people are improperly tried together, and each is bewildered with the evidence affecting all the rest;

vague statements about mere disposition are treated as evidence of bad livelihood; some were imprisoned merely because they played cards and smoked opium, and one person, after being kept in custody for six weeks, was discharged. The security demanded is often fixed too high. The younger Magistrates have a great deal to learn from their seniors in this jurisdiction, and the oversight of the District Magistrates can by no means be dispensed with. Men of long experience, like Colonel Munro or Colonel Davies, fix amounts at Rs. 100 where young Magistrates demand Rs. 200 or Rs. 300.

27. I have done all I could to induce the District Magistrates to prevent excessive fines being imposed. Where a woman from poverty and misery tried to commit suicide and a Native Magistrate fined her Rs. 25, the Judge of Tenasserim brought the foolish sentence to notice. In another case of ordinary assault by a labourer, the fine of Rs. 50 was, on the motion of the Judge of Irrawaddy, reduced to Rs. 2. Where a woman cooked three jars of liquor, there being no suspicion that she meant to sell it and it being her first offence, the fine of Rs. 140, inflicted by the Native Magistrate at Zaloon, was, on the motion of the District Magistrate of Henzada, reduced to one anna. Several equally harsh cases in the same Court were similarly dealt with. Some of Mr. Batten's sentences were out of all proportion to the means of the accused: and one case tried by Captain Adamson, and which ought to have been reported by the Magistrate of Amherst, shows how far this system was carried. A man was sentenced to three months' imprisonment and also to fine of Rs. 500. On my directing enquiry the trying Magistrate reported that the accused had no apparent means of livelihood, excepting the keeping of one or two pigs. They were sold and only Rs. 13 realized. The Magistrate hoped that the opium license-holder, who was not accused, would pay up. He forgot that the accused remained liable for six years. This harshness is chiefly shown in first convictions under the excise laws and in small cases of abuse and assault, for which labourers are often fined more than one month's wages.

In several cases of determined smuggling of opium, where six months' or one year's imprisonment ought to have been given, only fines were imposed. The revisionary jurisdiction and that of the Session Judges in appeal has been largely used to repress both undue harshness and improper lenity, but the younger Magistrates, both European and Native, require to be weaned from the first of these habits; and the co-operation of the District Magistrates, who are milder in their judgment of human conduct, is still urgently needed to prevent our Courts being disliked as severe and unfeeling institutions.

28. There have been a good many convictions for dishonest receiving without evidence that the accused knew or had any reason to believe that there had been a theft. The burden of proving ownership was often shifted to the person in possession who was convicted and saw the property given to the complainant on evidence which would not support a civil action. I have tried to close this opening of a door for false claims by issuing a circular on the subject, and enjoined on Courts before applying the doctrine of recent possession to ascertain the dates of the theft and the possession and to record them in the judgments to enable the Courts of Appeal to understand the case at once.

In some districts it was found that Subordinate Magistrates were treating old illegal orders as if they were lawful enactments. In Amherst men have thus been convicted for holding theatrical amusements, for not reporting weddings, and for not clearing away rubbish. It is the duty of the District Magistrate to check any systematic illegality, it being very difficult for the Judicial Commissioner to learn of such convictions.

This discussion of the great amount of revisionary jurisdiction performed by the highest Court appears to me more important, as the establishment of a Chief Court of three Judges is contemplated by the Governor-General in Council. For some years to come a great deal of local inspection and facilities for admitting appeals on the spot will be advisable. Excessive bail, excessive fines, and illegal punishments are all condemned in the Declaration of Rights and are thus unconstitutional.

29. The tendency of excessive administration to interfere with other judicial work has not escaped me. I have tried to avoid this by referring several difficult

questions of jurisdiction and points of general importance to the Special Court as our report on that Court shows. In this way I have been enabled in consultation to make use of the learning and experience of the Recorder.

30. The division of Pegu into two Commissionerships is a most beneficial change and has already led to more frequent examinations of local Courts. One result of my frequent tours has been an increase of the powers of many Magistrates with a great saving of trouble and expense to witnesses and of time to District Magistrates. My reports on Courts and local needs received the thorough attention of the Chief Commissioner.

31. The employment of Honorary Magistrates at Akyab, Bassein, Prome, Henzada, Toungoo, and Moulmein deserves notice. In some of these places the Benches began to sit rather late, but those which are reported on seem to have answered expectation. Colonel Munro reports that all the Honorary Magistrates at Bassein have worked well and zealously and began to sit without the Assistant Commissioner from the 1st January last.

"The Bench began to sit at Moulmein on the 29th August," Major Furlong reports, "and continued to sit on four or five days in the week until the close of the "year. During the first week or ten days the District Magistrate sat with them "and supervised their work, but, with the exception of occasional references on mat-"ters of procedure, they have since continued to work without any assistance. They "sit in Benches of two or three, arranging between themselves on which days "they will sit. Cases of breach of municipal byelaws and of section 34 of Act V "of 1861 were the cases first given to them to dispose of. Subsequently cases "of assault and insult under sections 352 and 504 of the Indian Penal Code were "referred to them, and they now receive and dispose of all complaints under those "sections. A fair criterion of the popularity and success of the measure may be "gathered from the fact that while the proportion of convictions obtained is as "high as before their appointment, no appeal has yet been received from any of "their decisions. That their energy is in no way impaired by their three months' work "is also shown in their commencing their sittings during the Christmas holidays "before the other Courts had opened. On my enquiring the reason I was informed "that they were afraid of forgetting what they had learnt if they stayed away too "long."

In Toungoo the four Honorary Magistrates have attended regularly and are stated to take an interest in their work. They have convicted 53 and acquitted seven persons. I think the Deputy Commissioners have endeavoured cordially to carry out the views of Government in making the system successful; and the same observation applies to Mr. Campbell at Akyab and Captain Jenkins at Bassein.

32. The following table shows the work of the Court of the Judicial Commissioner as a Court of Reference for the confirmation of capital sentences:—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan ...	Colonel E. B. Sladen, Commissioner and Sessions Judge of Arakan	4	1	...	1	2
Pegu ...	Colonel H. A. Browne, Commissioner and Sessions Judge of Pegu	9	2	3	2	2
Irrawaddy ...	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge of Irrawaddy	2	...	...	...	2
Tenasserim ...	Colonel A. G. Duff, Commissioner and Sessions Judge of Tenasserim	6	6	...	...	...
	Total ...	21	9	3	3	6
	In 1880 ...	38	27	6	3	2

33. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan ...	Akyab	2,466	1,816 8 0	1,802 7 0
	Kyoukpyoo	1,045	697 0 0	625 0 0
	Sandoway	600	417 0 0	287 0 0
	Northern Arakan	...	...	...
	Total ...	4,111	2,930 8 0	2,714 7 0
Pegu ...	Hanthawaddy	1,322	928 0 0	1,171 0 0
	Tharrawaddy	1,176	829 8 0	593 8 0
	Prome	2,782	1,924 0 0	1,474 8 0
	Total ...	5,280	3,681 8 0	3,239 0 0
Irrawaddy ...	Henzada	1,633	1,291 8 0	983 0 0
	Thonegwa	1,685	1,170 8 0	858 0 0
	Bassein	2,909	2,111 8 0	1,380 0 0
	Thayetmyo	1,172	803 0 0	264 0 0
	Total ...	7,399	5,376 8 0	2,985 0 0
Tenasserim ...	Amherst	1,819	1,282 0 0	636 0 0
	Shwaygyin	1,197	821 0 0	655 0 0
	Toungoo	1,968	1,278 0 0	720 0 0
	Tavoy	441	342 0 0	312 0 0
	Mergui	544	370 8 0	132 0 0
	Salween	62	48 8 0	100 0 0
	Moulmein	1,824	1,463 0 0	1,808 0 0
	Total ...	7,855	5,605 0 0	3,863 0 0
	Total ...	24,645	17,593 8 0	12,801 7 0
	In 1880 ...	24,890	17,595 0 0	12,333 6 0

34. It only remains to add that Mr. R. J. Crosthwaite, C.S., acted as Judicial Commissioner for the first 18 days of January, after which I took charge of the office.

JOHN JARDINE,

Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the town of Rangoon on the last day of the year 1881, with the cost of tribunals.

Name of province		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of district.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
							Judges of Chief Courts of province.	Judges of other Courts superior to chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Court.	Judges of other Subordinate Courts.	*Original.*		*Appeal.*				
												Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs. A.	Rs. A.	(*a*) Recorder of Rangoon. (*b*) Deputy Commissioner, Rangoon Town District, and Town Magistrate. (*c*) 1 Bench of Honorary Magistrates. 1 Extra Assistant Commissioner. 1 Assistant Magistrate. (*d*) Regular— (1) By Honorary Magistrate ... 34 (2) By Extra Assistant Commissioner 523 (3) By Assistant Magistrate ... 4,245 (4) By Town Magistrate ... ... 1 (5) By Recorder as Sessions Judge ... 46 Recorder as High Court ... 5 Total ... 4,854 (*e*) By Town Magistrate ... ... 8 By Recorder ... ... 31 Total ... 39
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court... ... Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory subject to the High Court... ... Criminal ...	45	134,176	1	...	...	(*a*) 1	...	(*b*) 1	...	(*c*) 3	(*d*) 4,854	...	(*e*) 39	...	...	...	
	Territory subject to the High Court... ... Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ... Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ... Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ... Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	45	134,176*	1	...	...	1	...	1	...	3	4,854	...	39	...	...	...	

* Population included within town limits according to Census of 1881.

JUDICIAL STATEMENT 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in the town of Rangoon in the year 1881.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year	NUMBER OF PERSONS					REMARKS.
				Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Do. relating to the Army and Navy, Chapter VII...	...	...	...	...	...	...	...	...	
Do. against the public tranquillity, do. VIII...	37	37	37	211	40	171	...	...	
Do. by or relating to public servants, do. IX...	2	2	2	2	2	...	...	...	
Contempts of the lawful authority of public servants, Chapter X	3	3	3	3	1	2	...	...	
False evidence and offences against public justice, do. XI	21	12	12	22	4	17	...	...	1 committed.
Offences relating to coin and Government stamps, do. XII	2	2	2	3	...	...	...	...	3 ditto.
Do. relating to weights and measures, do. XIII	3	3	3	9	...	9	...	...	
Do. affecting the public health, safety, convenience, decency, and morals, Chapter XIV	36	36	36	60	20	40	...	...	
Do. relating to religion, Chapter XV	...	...	...	...	...	...	...	...	
Offences affecting the human body, Chapter XVI ... ... — Offences affecting life	16	16	16	19	1	4	...	...	14 committed.
Causing of miscarriage, injuries to unborn children; exposure of infants; and the concealment of births ...	...	...	...	...	...	...	...	...	
Hurt	187	183	183	270	73	176	...	5	16 committed.
Wrongful restraint and wrongful confinement	8	8	8	13	3	10	...	...	
Criminal force and assault	620	620	620	1,125	812	266	...	44	3 committed.
Kidnapping, forcible abduction, slavery, and forced labour	9	8	8	9	7	2	...	...	
Rape	2	2	2	3	...	...	...	...	3 committed.
Unnatural offence	...	...	...	...	...	...	...	...	
Offences against property, Chapter XVII. — Theft	866	559	559	600	56	535	...	3	6 committed.
Extortion	3	3	3	4	...	4	...	...	
Robbery and dacoity	4	2	2	3	...	...	...	1	2 committed.
Criminal misappropriation of property	7	7	7	9	6	3	...	...	
Criminal breach of trust	23	23	23	30	7	22	...	1	
Receiving of stolen property	36	36	36	46	11	33	...	...	2 committed.
Cheating	14	14	14	20	7	10	...	...	3 ditto.
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	
Mischief	17	17	17	19	12	7	...	...	
Criminal trespass	81	81	81	112	38	70	...	2	2 committed.
Offences relating to documents and to trade or property marks, Chapter XVIII ...	3	3	3	5	...	...	...	...	5 committed.
Criminal breach of contract of service, do. XIX ...	2	2	2	18	18	...	...	...	
Offences relating to marriage, do. XX ...	12	12	12	16	14	...	...	...	2 committed.
Defamation, do. XXI ...	10	10	10	11	8	2	...	1	
Criminal intimidation, insult, and annoyance, do. XXII ...	381	381	381	588	415	173	...	...	
Offences under special and local laws	3,129	2,646	2,646	7,487	492	6,995	...	...	
Total ...	5,533	4,728	4,728	10,717	2,047	8,551	...	57	62 committed.

JUDICIAL STATEMENT 3 (CRIMINAL).

Statement of miscellaneous proceedings under the Criminal Procedure Code in the town of Rangoon during the year 1881.

NATURE OF PROCEEDINGS.	Total number of cases before the Court during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209	8	8	...	8	
2. Proceedings against witnesses under Chapter XXVI	...	...	...	...	
3. Forfeiture of bail or recognizance under Chapter XXVIII	...	...	...	...	
4. Non-attendance of jurors or assessors, Chapter XXIX, section 414	...	...	...	...	
5. Contempts of Court under Chapter XXXII	...	...	...	...	
6. Proceedings under Chapter XXXVII to prevent breach of the peace	9	32	7	25	
7. Security for good behaviour under Chapter XXXVIII	21	30	7	23	
8. Proceedings against local nuisances, Chapter XXXIX	..	...	...	...	
9. Possession, Chapter XL	..	...	...	...	
10. Maintenance, Chapter XLI	35	35	22	13	
Total ...	73	105	36	69	

JUDICIAL STATEMENT 4 (CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the town of Rangoon during the year 1881.

CLASS OF COURTS.	Total number of persons under trial.‡	PERSONS WHOSE CASES WERE DISPOSED OF.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.§	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates — Special Magistrates under section 42 ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates — Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates — Stipendiary do. do. ...	10,603	...	2,029	7,366	1,089	62	57	4,768	4	5,402	
Subordinate Magistrates — Benches of Magistrates	112	...	18	37	57	...	...	34	1	98	
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	...	...	...	...	...	...	...	...	...	...	
Chief Magistrates of districts	2	...	...	...	2	...	...	1	4	4	
Courts of Sessions*	62	...	20	39	...	...	3	46	42·72	198	
Superior Courts†	17	...	4	13	...	...	...	5		51	
Total ...	10,796	...	2,071	7,455	1,148	62	60	4,854	4·39	5,753	

* Include cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Include cases decided by the High Court on reference under sections 263 and 287, Criminal Procedure Code.
‡ That is, the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the end of the year, if not decided.
§ Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the punishments inflicted by the various criminal tribunals in the town of Rangoon in the year 1881.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year. †	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above 7 years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village officers	...	...	...	...	...	...	...	...	...	...	.....	... ..	...	...	...	...	Rs. A. P.	Rs. A. P.	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Special Magistrates under section 42 ...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Stipendiary Magistrates sitting singly ...	...	...	...	676	16	...	7,763	175	48	23	7,086	601	61	11	4	...	47,351 6 0	37,989 14 0	1,342 0 0	172	419	101	...	...	40	135	...	...
Subordinate Magistrates. — Benches of Magistrates.	...	...	...	2	...	...	92	...	...	...	84	8	...	...	...	...	257 0 0	199 0 0	.....	2	...	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Chief Magistrates of districts.	...	...	...	2	...	...	...	...	...	...	.....	.....	...	...	...	...	.....	.....	.....	...	2	...	...	...	...	...	...	...
Courts of Sessions*	2	7	...	30	...	...	3	1	...	...	.....	1	...	...	2	...	1,830 0 0	.....	.....	...	1	8	21	...	...	1	...	...
Superior Courts† ...	...	...	2	11	...	...	...	...	...	...	.....	.....	...	...	...	...	.....	.....	.....	...	...	6	3	2	...	...	...	...
Total ...	2	7	2	721	16	...	7,858	176	48	23	7,170	610	61	11	6	...	49,338 6 0	38,188 14 0	1,342 0 0	174	422	115	24	2	40	136	...	...

* Include cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 263 and 287, Criminal Procedure Code.
‡ Include fines realized during the year, though imposed in previous years.

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the result of appeal and revision in criminal cases in the town of Rangoon in the year 1881.

TRIBUNALS.	NUMBER OF PERSONS.											AVERAGE NUMBER OF DAYS DURING WHICH EACH APPEAL LASTED.	REMARKS.
	Total number of appellants and applicants for revision before the Court.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts*	12	...	...	9	...	3	...	...	...	...	...	...	
To Courts of Sessions	40	...	28	4	...	...	5	...	...	...	3	...	
To Superior Courts ... { By persons convicted... / By Government from judgments of acquittal	...	...	...	...	...	...	...	...	...	...	...	...	
	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	52	...	28	13	...	3	5	...	...	...	3	...	
Revision.													
By Chief Magistrates of districts	...	...	...	...	...	...	...	...	...	...	...	...	
By Courts of Sessions	...	...	...	...	...	...	...	...	...	...	...	...	
By Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	52	...	28	13	...	3	5	...	...	...	3	...	

* Or other Magistrates authorised to hear appeals under section 266, Criminal Procedure Code.
† That is the total of columns 3 to 12. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT No. 13—(CRIMINAL).

Statement showing use of juries and assessors in the Criminal Courts in the town of Rangoon in the year 1881.

Class of Courts in which jurors or assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of jury or assessors in each case and prescribed qualifications.	JURY TRIALS. Number of cases tried by jury.	JURY TRIALS. Number of cases tried with assessors.	JURY TRIALS. Cases in which Judge approved of the verdict.	JURY TRIALS. Cases in which Judge did not approve of the verdict: Wholly.	JURY TRIALS. Cases in which Judge did not approve of the verdict: Partially.	JURY TRIALS. Number of persons of the verdict in respect to whom Judge disapproved: Whose cases he referred under section 263, Civil Procedure Code.	JURY TRIALS. Number of persons of the verdict in respect to whom Judge disapproved: Whose cases he did not refer under section 263, Civil Procedure Code.	ASSESSORS' TRIALS. Number of cases in which Judge agreed with assessors.	ASSESSORS' TRIALS. Number of cases in which Judge differed from: One assessor.	ASSESSORS' TRIALS. Number of cases in which Judge differed from: Both assessors.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.												
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870 ... ... Assessors ...	...	...	...	...	...	...	...	...	...	...	...	
II.—Criminal Courts.												
Magistrates' Courts under Chapter XXXIX, Civil Procedure Code ... Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Sessions ... ... Jurors ... / Assessors ...	5	36	...	36	...	...	...	...	...	...	...	
High Court, original criminal jurisdiction ... ... Jurors ...		5	...	5	...	...	...	...	...	...	...	
Total ...	5	41	...	41	...	...	...	...	...	...	...	

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1881, with the cost of tribunals.

NAME OF PROVINCE.			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
								Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.*		*Appeals.*				
													Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court ...	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	87,175	3,602,595	4	18	31	1	5	18	31	103	18,558	...	1,055	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ...	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...		87,175	3,602,595	4	18	31	1	5	18	31	103	18,558	...	1,055	...	...	...	

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in the province of British Burma in the year 1881, exclusive of the town of Rangoon.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.*	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.†	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	3	3	3	10	...	...	...	7	3 committed.
Do. relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Do. against the public tranquillity, do. VIII	613	593	591	2,908	1,075	1,762	19	52	
Do. by, or relating to, public servants, do. IX	82	76	75	94	58	33	2	1	
Contempts of the lawful authority of public servants, Chapter X	147	135	138	280	117	160	3	...	
False evidence and offences against public justice, do. XI	265	239	250	330	105	201	8	12	4 committed.
Offences relating to coin and Government stamps, do. XII	6	5	5	7	3	4	...	...	
Do. relating to weights and measures, do. XIII	5	5	5	8	1	6	1	...	
Do. affecting the public health, safety, convenience, decency, and morals, Chapter XIV	985	904	917	1,636	476	1,149	3	8	
Do. relating to religion, Chapter XV	13	11	12	17	9	7	...	1	
Offences affecting the human body, Chapter XVI ... ... — Offences affecting life	360	294	263	456	182	135	2	9	126 committed.
Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births ...	2	2	2	3	1	2	...	...	
Hurt	1,920	1,511	1,486	2,359	946	1,361	16	30	6 committed.
Wrongful restraint and wrongful confinement	65	47	47	92	60	32	...	...	
Criminal force and assault	2,394	2,310	2,356	3,564	2,030	1,443	14	77	
Kidnapping, forcible abduction, slavery, and forced labour	61	40	40	52	20	20	...	2	10 committed.
Rape	75	48	48	48	28	15	1	2	2 ditto.
Unnatural offence	11	8	7	11	2	1	...	...	8 ditto.
Theft	9,006	5,990	4,507	5,950	1,993	3,832	66	33	26 ditto.
Extortion	22	21	22	50	31	19	...	...	
Robbery and dacoity	178	123	99	267	106	119	1	10	31 ditto.
Criminal misappropriation of property	214	200	194	238	81	153	2	2	
Offences against property, Chapter XVII. — Criminal breach of trust	214	171	169	195	89	101	...	5	
Receiving of stolen property	385	304	298	465	160	288	9	8	
Cheating	144	130	133	174	104	65	3	2	
Fraudulent deeds and disposition of property	..	...	...	...	...	...	...	...	
Mischief	592	426	431	638	325	288	1	21	3 committed.
Criminal trespass	1,314	1,056	961	1,392	665	681	12	23	11 ditto.
Offences relating to documents and to trade or property marks, Chapter XVIII ...	13	8	11	18	8	8	...	2	
Criminal breach of contracts of service, do. XIX ...	12	12	12	30	14	16	...	...	
Offences relating to marriage, do. XX ...	86	81	82	90	69	8	1	7	5 committed.
Defamation, do. XXI ...	43	38	40	54	30	23	...	1	
Criminal intimidation, insult, and annoyance, do. XXII ...	1,200	1,107	1,160	1,417	878	518	5	16	
Offences under special and local laws	4,439	4,135	4,089	8,249	1,861	6,311	18	59	
Total ...	24,819	20,033	18,453	31,102	11,527	18,761	187	300	237 committed.

* That is, the total of columns 5 to 9.

† Persons transferred from one Court to another *in the same province* are not to be entered in this column.

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of miscellaneous proceedings under the Criminal Procedure Code in the province of British Burma during 1881, exclusive of the town of Rangoon.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209	18	18	13	5	
2. Proceedings against witnesses under Chapter XXVI	3	6	2	4	
3. Forfeiture of bail or recognizance under Chapter XXVIII	31	42	5	36	1 died, escaped, or transferred.
4. Non-attendance of jurors or assessors, Chapter XXIX, section 414	2	2	.....	2	
5. Contempts of Court under Chapter XXXII	22	27	5	22	
6. Proceedings under Chapter XXXVII to prevent breach of the peace	78	115	8	107	
7. Security for good behaviour under Chapter XXXVIII	437	614	224	381	3 died, escaped, or transferred. 6 remaining under trial.
8. Proceedings against local nuisances, Chapter XXXIX	53	69	23	46	
9. Possession, Chapter XL	10	22	12	5	5 referred to Civil Court.
10. Maintenance, Chapter XLI	205	199	82	113	1 died, escaped, or transferred. 3 remaining under trial.
Total ...	859	1,114	374	721	5 died, escaped or transferred. 9 remaining under trial. 5 referred to Civil Court.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the province of British Burma in the year 1881, exclusive of the town of Rangoon.

CLASS OF COURTS	Total number of persons under trial.‡	PERSONS WHOSE CASES WERE DISPOSED OF					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.§	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 42 ...	63	...	17	41	...	...	5	39	16	61	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Magistrates sitting singly..	26,124	172	10,114	14,043	1,333	145	317	14,905	6	52,778	
Subordinate Magistrates... Benches of Magistrates	650	...	120	305	219	...	6	389	5	1,007	
District and Divisional Magistrates' cases referred under section 46, Civil Procedure Code	182	...	24	157	...	...	1	120	4	54	
Chief Magistrates of districts	4,063	15	1,252	1,230	1,443	93	61	2,828	5	9,253	
Courts of Sessions*	440	12	80	305	...	...	24	257	33	1,223	13 charges withdrawn
Superior Courts†	22	...	4	12	...	...	6	20	30	...	
Total ...	31,564	199	11,617	16,083	2,995	237	420	18,558	14	64,376	13 charges withdrawn.

* Includes cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 263 and 287, Criminal Procedure Code.
‡ That is, the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the end of the year if not decided.
§ Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the punishments inflicted by the various criminal tribunals in the province of British Burma in the year 1881, exclusive of the town of Rangoon.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																	
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year. †	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above 7 years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Special Magistrates under section 42 ...	...	...	...	...	...	17	24	...	...	...	15	7	2	...	...	...	558 0 0	558 0 0	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. — Stipendiary Magistrates sitting singly ...	...	...	...	4,083	94	...	10,967	828	362	126	6,996	3,349	453	167	2	...	1,94,271 4 6	1,47,879 13 10	15,170 4 3	538	2932	691	16	...	261	487	80	1
Subordinate Magistrates. — Benches of Magistrates.	...	...	...	17	...	...	505	4	...	...	449	55	1	...	...	...	2,429 2 0	2,344 2 0	456 8 0	2	13	2	...	...	3	1	...	...
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	...	...	...	139	...	...	30	19	...	...	13	7	9	1	...	...	825 0 0	100 0 0	100 0 0	...	36	84	19	...	...	2	17	...
Chief Magistrates of districts.	...	8	...	1,172	31	1	1,509	111	123	37	1,070	341	65	32	1	...	28,124 1 0	17,558 11 6	3,018 8 0	101	462	416	224	...	30	34	47	1
Courts of Sessions* ...	18	36	...	241	2	...	9	2	1	...	...	3	3	3	...	...	1,050 0 0	850 0 0	250 0 0	1	14	19	196	13	...	1	1	...
Superior Courts†	9	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	1	...	...	...	...
Total ...	27	46	...	5,653	127	18	13,044	964	486	163	8,543	3,762	533	203	3	...	2,27,257 7 6	1,69,290 11 4	18,995 4 3	642	3457	1212	455	14	294	525	145	2

* Includes cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 263 and 267, Criminal Procedure Code.
‡ Includes fines realized during the year, though imposed in previous years.

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the result of appeal and revision in criminal cases in the province of British Burma in the year 1881, exclusive of the town of Rangoon.

Tribunals.	NUMBER OF PERSONS.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Court.†	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts *	507	1	4	196	11	145	141	2	3	.....	4	8	
To Courts of Sessions	617*a*	1	106	302	1	71	119	3	.....	2	7	16	(*a*) Five not appealable.
To Superior Courts { By persons convicted	279	.....	107	72	2	12	58	.....	.....	.....	28	15	
To Superior Courts { By Government from judgments of acquittal	2	.....	.....	.....	1	.....	.....	.....	.....	.....	1	15	
Total ...	1,405	2	217	570	15	228	318	5	3	2	40	13	
Revision.													
By Chief Magistrates of districts	7	.....	4	3	.....	.....	.....	.....	.....	.....	.....	2	
„ Courts of Sessions	25	.....	18	.....	.....	.....	.....	.....	6	1	.....	4	
„ Superior Courts	80	.....	.....	52	1	11	12	.....	.....	.....	4	20	
Total ...	112	.....	22	55	1	11	12	.....	6	1	4	9	
GRAND TOTAL ...	1,517	2	239	625	16	239	330	5	9	3	44	11	

* Or other Magistrates authorized to hear appeals under section 266, Criminal Procedure Code.
† That is, the total of columns 3 to 12, Cases transferred from one Court to another *in the same province*, will appear only against the Court by which decided, or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT No. 13 CRIMINAL).

Statement showing use of Juries and Assessors in the Criminal Courts in the province of British Burma exclusive of the town of Rangoon in the year 1881.

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.		Established or average number of jury or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	Cases in which the Judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Wholly.	Partially.	Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he referred under section 263, C. P. Code.	Whose cases he did not refer under section 263, C. P. Code.	ASSESSORS' TRIALS. Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differed from. One assessor.	Both assessors.	REMARKS.
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870	Assessors ...	.....	...	...	...	...	...	...	...	...	...	...	
II.—Criminal Courts.													
Magistrates' Courts under Chapter XXXIX, C. P. Code	Jurors ...	.....	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	25	...	24	1	...	1	...	...	...	...	
	Assessors ...	2 and 3	...	96	...	...	...	...	...	65	3	28	*Note.*—In sessions trials only juries and assessors have been principally employed.
High Court, original criminal jurisdiction...	Jurors ...		...	17	...	...	...	...	...	9	1	4*	* Differed with three assessors. In three cases the assessors were not called upon to give their opinion.
	Total ...	5 2 and 3	25	113	24	1	...	1	...	74	4	32†	† Differed with three assessors. In three cases the assessors were not called upon to give their opinion.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1882.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1883.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1882.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department, No. 128C., dated the 23rd July 1883.

READ—

The reports of the Recorder and the Judicial Commissioner on the administration of criminal justice in British Burma for the year 1882.

RESOLUTION.—*Constitution of the Courts.*—The constitution of the Criminal Courts of the province remained unchanged during the year under review. There were three Superior Courts, namely, the Special Court, the Court of the Recorder, who exercises the powers of a High Court in respect of European British subjects throughout the province and generally in the town of Rangoon, and the Court of the Judicial Commissioner, who exercises the powers of a High Court in those parts of the province not included in the Recorder's jurisdiction. The Courts of Session were six in number and consisted of the Courts of the Recorder, of the four Commissioners of Divisions, and of the Judge of Moulmein. There were 19 District Magistrates, of whom 16 were invested with special powers under section 36 of the Code of Criminal Procedure, 1872. The subordinate magistracy consisted of 129 Stipendiary Magistrates and seven benches of Honorary Magistrates sitting at the towns of Rangoon, Moulmein, Akyab, Bassein, Henzada, Prome, and Toungoo respectively. The proposals for the constitution of a Chief Court which were made in the course of the year were not sanctioned by the Secretary of State; and the question of the re-organization of the Superior Courts has been referred to the Chief Commissioner for reconsideration.

2. *State of the province as regards crime.*—There was a large and general increase of crime throughout the province during the past year. The details of this increase have been discussed in the Police Administration Report and in the Chief Commissioner's Resolution thereon. The returns appended to the reports now under review show that the cases reported as true increased from 24,761 in 1881 to 30,145 in 1882. Of these cases, 85·88 per cent. were brought to trial.

3. *General results.*—The number of original cases of all kinds disposed of increased from 23,412 in 1881 to 26,230 in the year under review. The number of persons brought before the Courts decreased from 41,819 to 41,630. There was a decrease of 3,927, or more than 30 per cent., in the number of persons brought before the Courts in the town of Rangoon. The decrease is accounted

for by the large reduction in the number of persons prosecuted for petty nuisances. Of persons brought before the Courts, 16,025, or 38·49 per cent., were discharged or acquitted, and 24,432, or 58·68 per cent., were convicted. The balance, 2·83 per cent., is made up of persons who died, or escaped, or were transferred to other provinces, or who were under trial at the end of the year. These figures compare unfavourably with those of the previous year, when the proportion of persons acquitted or discharged was 32·45 per cent. and that of persons convicted 65·31 per cent.

4. *Work of the Magistrates' Courts.*—The Magistrates' Courts disposed of 25,801 cases as compared with 23,084 in the previous year. Of the total number, 1,800, or 6·98 per cent., were tried by District Magistrates. In 1881 District Magistrates tried 2,829 cases, or 12·25 per cent. of the total number disposed of. The Chief Commissioner doubts whether all District Magistrates take their proper share of the criminal judicial work. He has no desire that they should load their files with unimportant cases, but the work should be so arranged and controlled as to bring the more serious cases before the District Magistrate, who can adequately punish the worst offenders. The stipendiary subordinate magistracy disposed of 20,951 cases, or 81·2 per cent. of the total number. Of 2,907 persons under trial before District Magistrates, 1,592, or 54·76 per cent., were convicted, and 1,092, or 37·56 per cent., discharged and acquitted. The proportion of persons convicted by the subordinate Stipendiary Magistrates was 59·2 per cent., of persons released 38·26 per cent. The proportion of convictions by the Rangoon bench of Honorary Magistrates (37·5 per cent.) was far less, while that of convictions by the other Honorary Benches (69·5 per cent.) was considerably more than the corresponding proportion in cases tried by the stipendiary magistracy.

The very large increase in the number of persons convicted on summary trial is noticeable. In 1881 the number of persons thus dealt with was 4,143, while in 1882 the number was 7,294. The increase is more than accounted for by the fact that the number of persons summarily convicted in Rangoon rose from 1,148 in 1881 to 4,764 in the year under review. More than 17 per cent. of the persons brought before Magistrates were discharged without trial. The Judicial Commissioner offers no remarks on the procedure of Magistrates in summary trials. The use of summary powers requires to be watched, and it is hoped that the registers of these trials are kept up as the law requires and are constantly and closely inspected by the supervising Courts.

5. *Honorary Magistrates.*—The benches of Honorary Magistrates disposed of 2,747 cases, or 10·65 per cent. of the total number before Magistrates' Courts. During the year under review the Honorary Magistrates sat without Stipendiary Magistrates. The Judicial Commissioner appears to be satisfied with the work performed by these gentlemen. It must necessarily vary very much in quality, and for some time to come the working of these Courts should be closely watched. The Chief Commissioner will be glad to receive the remarks and suggestions with which the learned Recorder promises to favour him regarding the jurisdiction of the Honorary Magistrates in Rangoon. It can hardly be considered satisfactory that nearly two-thirds of the accused persons brought before the Bench were either acquitted or discharged.

6. *Courts of Session.*—The number of persons under trial before the Courts of Session was 612 as compared with 502 in the previous year. There was a considerable increase in the work of the Sessions Courts in Rangoon and in the Irrawaddy and Tenasserim divisions. In the Pegu division there was a slight decrease in the number of cases, but as the whole of the duty was performed by the Commissioner the work of that officer really increased. In the previous year the Sessions work of the Hanthawaddy district was performed by the Judicial Commissioner. Of the persons committed for trial, 183, or 29·9 per cent., were acquitted, and 382, or 62·42 per cent., were convicted. Excluding cases in which the proceedings of District Magistrates exercising enlarged powers under section 36 of the Code were referred to Sessions Judges for confirmation, the proportion of persons acquitted to persons actually tried varied from 15·63 per cent. in Arakan to 61·2 per cent. in Pegu, and the proportion of convictions from 38·8 per cent. in Pegu to 84·37 per cent. in Arakan. Out of 116 persons tried by the Sessions Judge of Pegu only 45 were convicted. Considering the state of crime in the division, and that many of these persons were accused of dacoity or robbery, generally accompanied by violence and often by murder, this result points to some defect in the criminal administration. Either the committing officers can have little idea of what constitutes proof, or the prosecutions must have broken down in a very unaccountable manner in the Sessions Court. The Chief Commissioner would be much obliged if the Judicial Commissioner would examine into this matter and favour him with his opinion. In Rangoon the proportion of convictions was 68·08 per cent. In Rangoon and Moulmein sessions cases were tried by jury. In no case did the Judge disapprove of the jury's verdict. In other parts of the province sessions trials are conducted with the aid of assessors. In 41 out of 154 cases the Judge disagreed with the assessors. The greatest divergence between the opinions of the Judges and those of the assessors occurred in the Irrawaddy and Tenasserim divisions. Steps were taken during the year to secure the presence of Burman jurors in the trial of cases in which the accused belong to that race.

7. *Superior Courts.*—Only three persons were actually tried by the Superior Courts. These were three persons committed to the Court of the Recorder exercising the powers of a High Court. Twenty-five capital sentences were referred to the Special Court and the Court of the Judicial Commissioner for confirmation.

8. *Public Prosecutors.*—During the year under report public prosecutors were for the first time appointed in several districts. The appointment of public prosecutors is an experiment the working of which it is necessary to watch. Even in India, where the class of pleaders who practise in the District and Sessions Courts is better educated than the similar class here, it would be difficult to find men fit and willing for a small remuneration to perform this duty. It is quite possible that the presence of an inefficient prosecutor may lead the Magistrate or Judge to take a less active interest in the case before him and may tend to cause a failure of justice. In the Chief Commissioner's opinion, the attitude of a Judge or a Magistrate in this country ought to be that of an impartial investigator, whose object it is to find out the truth: he should not be content to sit on the bench and allow an inefficient prosecutor to spoil a case; he should always be ready to help the prisoner in an honest statement of his case; and he should not fail by taking the examination of a witness into his own hands, or by calling for

evidence which ought to have been but has not been produced, to bring out the truth of the case for the prosecution. It is to be hoped that the appointment of Government Prosecutors will not lead either Judges or Magistrates to abandon this attitude.

9. *Work of the Courts.*—The number of witnesses examined during the year in all Courts was 85,614 as compared with 70,129 in 1881. The average number of witnesses in each case was nearly three. The following table shows the average duration of cases in the several classes of Courts in the past two years:—

	Subordinate Magistrates.		District Magistrates.		Courts of Session.		High Court.	
	Rangoon.	Province.	Rangoon.	Province.	Rangoon.	Province.	Rangoon.	Province.
1881 ...	1·77	5·93	4	5	42·72	33	42·72	30
1882 ...	1·64	5·82	1·25	6·	27	46	27	36

The work of the Courts was for the most part despatched with commendable promptitude. Only 587 persons remained awaiting trial at the close of the year. The number of pending-trial prisoners was greatest at Henzada and Bassein.

10. *Punishments.*—The following table shows the number of sentences inflicted by the Courts and the proportion of the various kinds of punishments to the number of persons convicted during the past two years:—

	Number of sentences.		Percentage of total number of sentences.	
	1881.	1882.	1881.	1882.
Death	20	25	·07	·1
Transportation	43	45	·16	·18
Rigorous imprisonment	6,374	7,082	23·02	28·51
Simple imprisonment	143	205	·52	·82
Forfeiture of property	...	11	...	·05
Fine	20,902	17,349	75·51	69·88
Whipping	1,140	788	4·11	3 17

The most noticeable points in this statement are the increase in the number of sentences of rigorous imprisonment and the decrease in the number of sentences of fine and of whipping. Sentences of whipping were passed in 3·24 per cent. of the total number of cases in which this punishment might have been imposed. The proportion of sentences of whipping was almost three times as great in the provincial Courts as in the Courts of Rangoon. Sentences of imprisonment for terms not exceeding two years increased in number from 6,022 in 1881 to 6,740 in 1882, and sentences for terms exceeding two and not exceeding seven years increased from 479 to 522; but the proportions of these sentences to the total number of sentences of imprisonment scarcely differed in the year under review from the proportions in 1881. The number of sentences of imprisonment for terms exceeding seven years increased from 16 in 1881 to 25 in 1882. In 64·46 per cent. of the cases in which the Courts of Session awarded imprisonment or transportation sentences of imprisonment for not more than seven years were inflicted.

The standard of punishment for heinous crimes in the province appears to the Chief Commissioner to be unduly low. In several cases the records have been called for and have been sent to the Judicial Commissioner for his perusal. The Judicial Commissioner will probably agree with the Chief Commissioner in thinking that in the present state of things, when dacoities and robberies are frequent and detection is very uncertain, it is expedient that the few criminals who are caught should be visited with exemplary punishment. Both Magistrates and Judges appear to be afraid of using the powers which are given to them for the punishment of evil-doers.

From the police reports and information obtained from the jail returns it is evident that many persons who have been previously convicted escape with very light penalties. In some cases the previous convictions are not put in evidence. In others the Magistrate does not give sufficient weight to them in awarding punishment. It is most important that habitual criminals be removed from society. Magistrates themselves should enquire if the prisoner has been previously convicted and in doubtful cases should give orders for enquiry.

The amount of fines imposed decreased from Rs. 2,76,595 in 1881 to Rs. 2,35,678 in the year under review. The amount realized also decreased from Rs. 2,07,479, or 75·01 per cent., to Rs. 1,76,266, or 74·79 per cent. The proportionate decrease is little more than nominal. The average amount of each fine was Rs. 13-9-4 as compared with Rs. 13-5-0 in 1881. The increase in the amount paid as compensation is satisfactory. The proportion so paid to the total amount of the fines imposed was 9·35 per cent. as compared with 7·35 per cent. in the previous year. The pains which have been taken to impress upon the Subordinate Courts the desirability of compensating complainants out of the fines realized are said to be beginning to take effect.

11. *Miscellaneous cases.*—There were 1,075 miscellaneous cases before the Courts during the year. Of these, 751 were prosecutions under the provisions of the law which deal with the prevention of offences. Of 812 persons brought before the Courts under Chapter XXXVIII of the Criminal Procedure Code of 1872, 505, or 62·2 per cent., were ordered to find security. The proportion is slightly less than in 1881. Very little use is made of the sections of the Criminal Procedure Code which give Magistrates power to take security from bad characters. There is evidently no guiding principle in this matter. In Tharrawaddy, for example, security was taken in 95 cases; in Hanthawaddy, one of the worst districts in the province, the law was used only in five instances; while in a third district the Chief Commissioner is informed that "the Police Superintendent has ceased to prosecute." As the Judicial Commissioner says, "different districts are very differently managed." This is a matter which Commissioners ought not to neglect. They should see that the individual opinions of their subordinates are not allowed to make the law of none effect. There are very few districts in the province in which crime has not been unusually frequent, and a systematic careful search after those who live by dishonest criminal means would nowhere be without good results.

12. *Appeals.*—Only 1,600 persons, or 6·44 per cent. of the number convicted, appealed against the sentences passed upon them. The appeals of 493, or 30·81 per cent., were more or less completely successful. As might be expected, appeals to District Magistrates were most successful, no less than 46·2 per cent.

of the sentences against which appeals were lodged being reduced or reversed. Of appeals to the Sessions Courts, 26·07 per cent., and of appeals to the High Courts, 17·97 per cent., were successful.

13. *Reference and revision.*—Five cases were referred to the Special Court by the Judicial Commissioner. Orders were passed by the Judicial Commissioner in regard to 826 persons whose cases were called for in revision. In 348 cases, or 42·13 per cent., the sentences were reduced or the convictions reversed. The proportion of reductions and reversals is considerably higher than that in the previous year and nearly 12 per cent. higher than the proportion of similar orders passed on appeal. It is difficult to reconcile this result with the opinion expressed regarding the improvement in the procedure of Magistrates.

The Recorder called for and examined the records of 337 cases of Subordinate Courts. Sessions Judges and District Magistrates also examined a number of the cases tried by Subordinate Magistrates.

14. In conclusion the Chief Commissioner hopes that there may have been some substantial progress in criminal administration during the year 1882. But he cannot account for, or view with satisfaction, the increasing want of success in prosecutions which accompanies and must encourage the increase of crime, especially in the Pegu division. The failure of many magistrates to make a due use of the provisions of the Criminal Procedure Code, which empower them to take security from bad characters, the low standard of punishment for heinous crimes in a province where such crimes are so frequent and detection so uncertain, and the large proportion of sentences which the Judicial Commissioner found it necessary to reverse upon revision are unsatisfactory features in the report. Altogether there is ample room for improvement, and the Chief Commissioner hopes that the report for 1883 will be of a more satisfactory character.

By order,

E. S. SYMES,

Offg. Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1882.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

DURING the year 24 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions, and there were appeals of five persons pending from the previous year, making in all 29 persons. The appeals of 27 were disposed of during the year, leaving two pending at the close of the year.

2. The following table shows the particulars and the result:—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1882.	Result.			
			Rejected.	Dismissed and sentence confirmed.	Modified.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Sessions Court	5	24	27	...	...	2
Total ...	5	24	27	...	...	2

3. In the previous year 13 persons appealed from the sentences passed by the Court of the Recorder of Rangoon in the exercise of its powers of a Court of Sessions, five persons appealed from the sentences passed by the Court of the Recorder exercising the powers of a High Court, and five persons from that of the Judicial Commissioner exercising the transferred powers of a Court of Sessions.

4. During the year one capital sentence passed by the Recorder of Rangoon as a Court of Sessions was referred to this Court under section 60 of the Burma Courts Act, 1875, for confirmation, which was confirmed.

5. Besides the above there were five references made to this Court by the Judicial Commissioner under section 76 of the Burma Courts Act, 1875, the particulars of which are as follows:—

(1). In this case the appellants were convicted by the Sessions Judge of the Irrawaddy division of murder and sentenced to death. The learned Judicial Commissioner, after hearing the appellants and taking considerable additional evidence in appeal, was satisfied of the guilt of one of the accused, but he was

unable to come to any sufficiently distinct conclusion as to the complicity of the other appellant, and he felt the need of consultation with a Judge more used to trials by jury and who might therefore be able to determine the facts more from a jury's point of view. The case was referred generally to this Court with special reference also to the question on which the learned Judicial Commissioner had doubts, namely, the existence of a common design to murder. It was held that circumstances did exist in the case in a manner that left no doubt that there was a common design, but on account of the appellant's youth and his probably acting under the influence of the other accused, and the absence of evidence as to which of them struck the blows, the capital sentence was commuted to one of transportation for life.

(2). In this case information was given to a sergeant of police that some liquor was to be found in the house of accused. The sergeant deputed a 1st class constable to search, and he was obstructed by the accused, who threatened to hurt him with a da if he entered accused's house to make a search, and was thereupon convicted under section 186 of the Penal Code. The evidence showed that the 1st class constable had no public functions at all as he was not in independent charge of a thana and was therefore not included by the Chief Commissioner as an officer above the rank of a jemadar of peons (see page 446 of *Cooke's Manual*). The sergeant, who is by these notifications an excise officer competent under section 45 of Act X of 1871 to make a search, might have made it with the usual formalities. But he is not vested with the authority of the Chief Commissioner and had no authority to order the 1st class constable to make a search. The conviction and sentence were consequently annulled.

(3). The question raised in this case was whether tossing for pice on a public road is punishable under section 13 of Act III of 1867. It was held that the conviction could not be sustained, money not being an instrument of gaming within the meaning of the section.

(4). The question asked in this case was of the same nature as that of the last case and it was similarly held.

(5). The question referred in this case was whether the accused, who is said to have been the manager and opener of a tee at a zayat, was properly convicted for being such under section 294A of the Penal Code and whether, if he was improperly convicted under that section, he is not liable to be prosecuted under Act III of 1867 instead. The case was generally referred for disposal to this Court, and it was held that the accused was illegally convicted, for all that he could have been convicted of was for visiting a place for the purpose of drawing a lottery or of publishing a lottery, of neither of which acts was there any evidence.

RANGOON:
The 21st March 183.

JOHN JARDINE,
C. F. EGERTON ALLEN,
Judges of the Special Court of British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Court of the Recorder of Rangoon as a High Court under the Code of Criminal Procedure and in the Sessions division of Rangoon town.

THE following table shows the work of the Court of the Recorder both as a High Court and as a Court of Sessions :—

I.—Offences under the Penal Code.

Offences.		Number of cases.	Number of persons.	Acquitted.	Convicted.	Remaining under trial.
False evidence and offences against public justice (Chapter XI)		1	2	2	...	...
Offences relating to coin and Government stamps (Chapter XII)		2	4	3	1	...
Offences affecting the human body (Chapter XVI).	Offences affecting life	7	7	1	4	2
	Hurt	14	17	1	16	...
	Kidnapping	2	2	2	...	...
	Rape	1	1	1	...	...
Offences against property (Chapter XVII).	Theft	17	23	7	16	...
	Extortion	1	2	...	2	...
	Robbery and dacoity	10	19	2	10	7
	Criminal misappropriation of property	1	1	...	1	...
	*Criminal breach of trust ...	4	3	2	2	...
	Receiving of stolen property ...	3	3	2	1	...
	Cheating	2	2	...	2	...
	Mischief	1	1	1	...	...
	Criminal trespass	9	10	1	8	1
Offences relating to documents and to trade or property marks (Chapter XVIII)		3	5	3	1	1
Offences relating to marriage (Chapter XX)		2	2	1	1	...
Defamation (Chapter XXI)		2	2	2	...	...
Total ...		82	106	81	65	11

II.—Offences under laws other than the Penal Code.

During the year there was an investigation held to enquire into the conduct of the master of the ship *Countess of Kintore* under the provisions of Act IV of 1875 by direction of the local Government.

*Two convictions and two acquittals are shown as against three persons, because one man was convicted in one case and acquitted in another.

2. Of the 82 cases under the Penal Code, one case was pending from the previous year: 80 cases were committed during the year by the Assistant Magistrate of Rangoon and one by the Deputy Commissioner of Thayetmyo. Of the 80 cases committed by the Assistant Magistrate, two and the case committed by the Cantonment Magistrate of Thayetmyo were committed to the Recorder's Court as a High Court; the rest to his Court as a Court of Sessions. Of these cases, 75 were disposed of and seven remained pending.

3. Of the 106 persons, the cases of seven were pending trial at the end of the previous year, 98 were committed during the year by the Assistant Magistrate of Rangoon, and one by the Cantonment Magistrate of Thayetmyo.

4. I have been too short a time in my present office to be able to give any opinion on the facts that of the 106 persons 31 were acquitted, 65 convicted, and 11 remained to be tried, one man being acquitted of one offence and convicted of another in different cases.

5. Of the 65 persons convicted before the Recorder, 24 appealed to the Special Court. In the cases of all these persons the conviction was confirmed.

6. The number of cases committed during the year 1881, as shown in the report for that year, was 46 as against 82 committed in the year 1882: this seems to be a large increase, but I cannot say in what particular class of cases it took place as it is too late now to make comparative tables for the two years, but there undoubtedly was a great outburst of dacoity in the town of Rangoon at the latter end of the year 1882. It is satisfactory to be able to report that the police seem to have successfully broken up the gang or gangs of men who committed them.

7. Judicial statement No. 6 attached to this report shows the appellate and revisional work of the Recorder's Court so far as it is desired that a return of such work should be made, besides the work shown by the return. I may mention that the Recorder in the course of the year called for and examined the records of 337 cases in the Courts subordinate to him.

8. The Sessions division of Rangoon town is also the Rangoon Town district, and during the year 1882 the district was administered as follows:—

The District Magistrate from the beginning of the year to the 30th March and again from the 27th June to the end of the year was Major M. C. Poole, M.S.C. In the interval between the 30th March and 27th June Mr. K. G. Burne was the District Magistrate.

9. During the year only one Subordinate Magistrate had jurisdiction in the district, unless the Honorary Magistrates are held to be Subordinate Magistrates: he had 1st class powers and had jurisdiction throughout the district. Within the limits of the district is situate a cantonment, and I take that this Magistrate is the Cantonment Magistrate and as such is a Sub-divisional Magistrate with the cantonment as his sub-division.

10. Besides the District Magistrate and the Subordinate Magistrate (called Assistant Magistrate), there were during the year exercising jurisdiction in the district 13 special Magistrates called Honorary Magistrates. Of these gentlemen, two are Mahomedans, one a Parsi, and the remainder Burmans. These gentlemen sit together as a Bench of two or more. They appear to have been appointed under section 37 of the late Code of Criminal Procedure which relates to Subordinate Magistrates, not under section 42 relating to special Magistrates, and at first only 3rd class powers were conferred on them. During the year 1882 a Bench of them was invested with 2nd class powers.

11. I have not had time or opportunity thoroughly to understand the jurisdiction exercised by these Benches, and I will, if the Chief Commissioner wishes it, try to make a fuller report on the matter at a future date; but I think I may venture to say now that if Rule 7 of the rules published in the *British Burma Gazette*, 1881, Part IV, pages 180 and 181, is in force now, I think it should be abrogated so far as the signing of warrants of arrest is concerned.

12. The following table shows in detail the work performed by the various Magistrates in the district during the year:—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	
								In custody.	On bail or recognizance.
Town Magistrate, 1st class powers	Bailable ...	18	...	4	14	...	...	...	...
	Non-bailable	2	...	...	2	...	...	...	...
Total ...		20	...	4	16	...	...	...	...
Assistant Magistrate, 1st class powers	Bailable ...	4,897	131	836	3,912	13	1	...	4
	Non-bailable	735	...	170	476	85	1	3	...
Total ...		5,632	131	1,006	4,388	98	2	3	4
Bench of Honorary Magistrates, 2nd class powers	Bailable ...	1,720	707	377	645	...	...	...	...
	Non-bailable	9	...	1	8	...	...	...	...
Total ...		1,738	707	378	653	...	...	...	...
GRAND TOTAL ...		7,390	838	1,388	5,057	93	2	3	4

13. The following tables show the increase and decrease of criminal cases and persons tried respectively in the year 1882 as compared with the year 1881:—

Offences under the Penal Code.

Increase.	Decrease.	Number of cases tried.	1881.	1882.
174	...	Offences against public tranquility	37	211
9	...	Offences by, or relating to, public servants	2	11
...	1	Contempts of lawful authority of public servants ...	3	2
22	...	False evidence and offences against public justice ...	12	34
1	...	Offences relating to coin and Government stamps ...	2	3
6	...	Offences relating to weights and measures	3	9
...	1	Offences affecting public health, safety, &c.	36	35
3	...	Offences relating to religion	...	3
...	3	Offences affecting life	16	13
...	24	Hurt	183	159
1	...	Wrongful restraint and wrongful confinement	8	9
318	...	Criminal force and assault	620	933
...	3	Kidnapping, forcible abduction, &c..	8	5
...	2	Rape	2	...
...	56	Theft	559	503
...	...	Extortion	3	3
10	...	Robbery and dacoity	2	12
...	4	Criminal misappropriation of property	7	3
6	...	Criminal breach of trust...	23	29
...	2	Receiving of stolen property	36	34
4	...	Cheating	14	18
...	1	Mischief	17	16
...	1	Criminal trespass	81	80
...	1	Offences relating to documents and property marks ...	3	2
3	...	Criminal breach of contract of service	2	5
11	...	Offences relating to marriage	12	23
10	...	Defamation	10	20
...	143	Criminal intimidation, insult, and annoyance	381	238
...	150	Offences under special and local laws	2,579	2,429
573	392	Total ...	4,661	4,842

Offences under special and local laws.

Increase.	Decrease.	Number of cases tried.	1881.	1882.
...	2	Arms	3	1
...	101	Cantonments	185	84
81	...	Contagious disease	112	193
...	3	Customs	6	3
...	3	Cattle-trespass	10	7
...	7	Exercise	50	43
...	7	Ferries	7	...
...	110	Gambling	177	67
168	...	Hackney carriages	...	168
...	...	Land acquisition	...	...
...	...	Legal practitioner	...	...
...	...	Merchant Shipping Act	52	52
...	...	Marriage (Christian)	...	...
151	...	Municipalities	174	325
11	...	Opium	...	11
...	340	Police	1,832	1,492
...	1	Post Office	1	...
10	...	Prisons	...	10
6	...	Railway	16	22
...	4	Registration	4	...
...	...	Stamps	...	...
1	...	Telegraph	...	1
428	578	Total ...	2,579	2,429

Offences under the Penal Code.

Increase.	Decrease.	Number of persons.	1881.	1882.
451	...	Offences against public tranquillity	211	662
9	...	Offences by, or relating to, public servants	2	11
...	...	Contempts of lawful authority of public servants...	3	3
17	...	False evidence and offences against public justice	22	39
2	...	Offences relating to coin and Government stamps	3	5
...	...	Offences relating to weights and measures	9	9
23	...	Offences affecting public health, safety, &c.	60	83
7	...	Offences relating to religion	...	7
...	5	Offences affecting life	19	14
...	65	Hurt	270	205
4	...	Wrongful restraint and wrongful confinement	13	17
334	...	Criminal force and assault	1,125	1,459
...	3	Kidnapping, forcible abduction, &c.	9	6
...	3	Rape	3	...
...	58	Theft	600	542
...	...	Extortion	4	4
24	...	Robbery and dacoity	3	27
...	6	Criminal misappropriation of property	9	3
...	1	Criminal breach of trust	30	29
...	7	Receiving of stolen property	46	39
...	2	Cheating	20	18
...	...	Mischief	19	19
3	...	Criminal trespass	112	115
...	3	Offences relating to documents and to property marks	5	2
3	...	Criminal breach of contract of service	18	21
9	...	Offences relating to marriage	16	25
13	...	Defamation	11	24
...	239	Criminal intimidation, insult, and annoyance	588	349
...	3,468	Offences under special and local laws	7,116	3,658
899	8,855	Total ...	10,346	7,390

Offences under special and local laws.

Increase.	Decrease.	Number of persons.	1881.	1882.
...	2	Arms	3	1
...	196	Cantonments	260	64
34	...	Contagious disease	212	246
1	...	Customs	6	7
...	1	Cattle-trespass	13	12
...	5	Excise	55	50
...	8	Ferries	8	...
...	373	Gambling	579	206
210	...	Hackney carriages	...	210
...	...	Land acquisition	...	...
...	...	Legal practitioner	...	...
29	...	Merchant Shipping Act	87	116
...	...	Marriage (Christian)	...	...
...	85	Municipalities	703	618
20	...	Opium	...	20
...	3,103	Police	5,167	2,064
...	1	Post Office	1	...
10	...	Prisons	...	10
11	...	Railway	17	28
...	5	Registration	5	...
...	...	Stamps	...	...
1	...	Telegraph	...	1
316	3,779	Total ...	7,116	3,653

14. These tables are very remarkable. Taking first the tables showing the number of cases, we see there is a decrease in the number of cases of offences under laws other than the Penal Code and a large increase in the number of cases of offences against the Penal Code.

Of these latter, those of turbulence, such as those against public tranquillity and criminal force and assault, have greatly increased after allowing for the decrease in the offences of criminal intimidation, insult, and annoyance. [But see the large proportion of acquittals to convictions in cases of criminal assault.]

15. The number of cases of hurt show a satisfactory decrease; but the decrease shown in the number of cases of theft tried cannot be looked upon as so satisfactory. We find that the number of cases of theft reported true was 758, a large increase on the number tried.

16. The cases of robbery and dacoity show a large increase, and the increase in the number of cases reported true is larger; they have risen from two in 1881 to 24 in 1882. Of these offences nine are dacoities, and of these nine dacoities only two were enquired into in 1882. One enquiry resulted in an acquittal in the Court of Sessions, the evidence being, in the opinion of the Recorder, too weak to support the charge. The other case enquired into in 1882 resulted in two cases in the Court of Sessions, two men being caught and tried before two others who were afterwards caught and tried for an offence committed in the same transaction: all four were convicted (two on their own plea). Of the remaining seven cases, one was enquired into and tried by the Recorder in February 1883, and the trial resulted in the conviction of five men: this case and the others in which convictions were had were river dacoities.

17. Of the remaining six town dacoities, I tried three cases at the 3rd criminal sessions of the year. The jury convicted in two cases and acquitted in the third, but the acquittal was of little use to most of the prisoners, who had been already convicted in the other two cases or one of them.

18. A fourth dacoity committed during last year was tried at the 4th criminal sessions of the year (1883), and resulted in the conviction of two men of the offence of dacoity under section 397 of the Indian Penal Code.

19. The offences of false evidence and offences against public justice show a marked increase.

20. The comparative table of the number of cases of offences committed against laws other than the Penal Code is also remarkable.

21. The number of cases against the Arms Act is only one.

22. The number of breaches of cantonment rules has dropped from 135 to 34. I may remark that my figures are taken from the corrected figures of last year's return, whereas the published report gives the uncorrected total.

23. The cases under the Contagious Disease Act of 1868 show an increase of nearly 75 per cent.

24. There are no cases returned against the Ferries Act. The return for the year 1881 shows seven.

25. The cases under the Gambling Act have dropped from 177 to 67, a decrease of about 60 per cent.

26. The Hackney Carriage Act appears to have been put in force in the year under review for the first time. There are 168 cases returned under it.

27. There is a return made of 52 cases under the Merchant Shipping Act I of 1859, which is the same as the return made last year; but the number of persons tried for offences under that Act is 116 as against 87 last year.

The Merchant Shipping Act is not amongst those for offences against which returns are by the present rules ordered. It may be well to consider whether it should not find a place amongst them.

28. The Glanders and Farcy Act might be added at the same time.

29. The return for offences against the Municipality Act shows an increase of 151 cases but a decrease of 85 persons tried; and similarly the return under the Police Act shows a decrease of 340 cases and 3,103 persons.

30. This extraordinary discrepancy between the decrease in the number of cases and the number of persons is explained by the District Magistrate in his report to me to be accounted for by the fact that a very proper change has been made in the mode of procedure in the Assistant Magistrate's Court: whereas large batches of persons accused of various offences against the Police Act used all to be returned as one case, now each offence is returned as a separate case.

31. The decreases in the number of cases and persons tried under the Police Act are to my mind very encouraging. It seems to show that the police are confining themselves to the suppression of crime and not giving too much time to the suppression of acts in the nature of public nuisances. The kinds of obstructions and nuisances which the police should in my opinion actively interfere to prevent in the streets are laid down in the 34th section of the Police Act. I cannot help thinking that in former years the police must have taken up the duties of inspectors of nuisances and preventors of breaches of the municipal bye-laws generally, which as it seems to me is the business of, and properly left to, the Municipal Committee to deal with through special officers. The prevention of nuisances may take longer, but the attempts to prevent will probably be more persistent and in the long run more effectual.

32. I do not think I need further comment on the tables showing the number of persons tried in 1881 and 1882 respectively. They show, as the tables of cases do, but more forcibly, the large increase, about 500, in the number of persons tried during the year by the Magistrates and that such increase chiefly took place in turbulent crime.

33. It is to be noted that of the 1,459 persons returned as under trial for criminal force and assault, 1,019 are returned as acquitted or discharged and only 440 as convicted.

34. As only five persons were tried in the year for dacoity, they show a very large increase in the persons tried for robbery. The figures are 14 to 2.

35. The District Magistrate in his report to me writes:—

"I am inclined to attribute the increase of crime, in part at least, to a large influx of needy Upper Burmans, many of whom had been ruined by the lotteries in Mandalay."

He also writes:—

"The large increase of persons committed for trial is due partly to the fact that I as Assistant Magistrate interpreted somewhat too literally the Recorder's repeated directions that habitual thieves should be committed to the Court of Sessions. At one of the sessions everal of the persons convicted received sentences of less than two years' imprisonment."

36. The table showing the number of persons tried for offences under laws other than the Penal Code is as I have said remarkable as showing the enormous decrease of persons tried under the Police Act.

37. In conclusion I may remark that although I have not been long in my present office, I think I can see that a large body of rules will be required for the more satisfactory working of criminal procedure in the town of Rangoon, and when I have leisure I will set about making new and revising old rules, and I will then make a further report to the local Government on the subject. Until I can make that further report I will withhold my criticism on the present forms of returns.

RANGOON:
The 13th June 1883.

C. F. EGERTON ALLEN,
Offg. Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From JOHN JARDINE, Esq., Bo. C.S., Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 525-1, dated the 22nd March 1883.

I HAVE the honour to submit the Annual Report on Criminal Justice in British Burma (exclusive of the Recorder's jurisdiction) for the year 1882 with returns of statistics.

2. The following tables, A and B, show the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year. From these tables all the miscellaneous proceedings under the Criminal Procedure Code shown in judicial statement No. 3 have been excluded:—

A.

Division.	Name of district.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1881.	1882.	1881.	1882	1881.	1882.	1881.	1882.	1881.	1882.
ARAKAN.	Akyab ..	1,810	2,323	1,841	1,988	655	759	1,151	1,201	62·52	60·41
	Kyoukpyoo ..	1,176	1,649	1,119	1,388	467	449	641	875	57·28	63·04
	Sandoway ..	506	643	564	575	227	163	321	407	56·91	70·78
	Northern Arakan	20	16	28	16	6	3	22	13	78·57	81·25
	Total ..	3,512	4,631	3,552	3,967	1,355	1,374	2,135	2,496	60·10	62·91
PEGU.	Hanthawaddy ..	2,333	2,817	2,519	3,275	1,088	1,631	1,363	1,488	54·10	45·43
	Tharrawaddy ..	1,432	2,702	2,262	2,759	822	1,343	1,382	1,336	61·09	48·42
	Prome ..	2,975	3,962	4,200	4,164	1,517	1,694	2,615	2,397	62·26	57·56
	Total ..	6,740	9,481	8,981	10,198	3,377	4,668	5,360	5,221	59·68	51·19
IRRA-WADDY.	Henzada ..	2,119	2,512	2,914	3,420	892	1,236	1,964	2,083	67·39	60·90
	Bassein ..	2,102	2,639	3,862	3,771	1,434	1,588	2,250	2,020	58·25	53·56
	Thonegwa ..	1,724	1,916	2,380	2,641	1,115	1,158	1,221	1,429	51·30	54·10
	Thayetmyo ..	1,907	1,911	1,674	2,065	528	739	1,064	1,243	63·56	60·19
	Total ..	7,852	8,978	10,830	11,897	3,969	4,721	6,499	6,775	60·00	56·94
TENASSERIM.	Amherst ..	1,345	1,422	1,557	1,699	685	685	819	914	52·60	53·79
	Shwaygyin ..	1,730	1,667	1,683	1,777	717	735	961	999	57·10	56·21
	Toungoo ..	1,150	1,473	1,236	1,522	491	629	730	872	59·06	57·29
	Tavoy ..	352	463	435	458	189	164	242	289	55·63	63·10
	Mergui ..	552	399	745	454	165	90	572	360	76·77	79·29
	Salween ..	55	44	98	62	25	16	73	45	74·48	72·58
	Moulmein ..	1,531	1,760	1,985	2,206	554	717	1,370	1,404	69·01	63·64
	Total ..	6,715	7,228	7,739	8,178	2,826	3,036	4,767	4,883	61·59	59·70
	GRAND TOTAL ..	24,819	30,318	31,102	34,240	11,527	13,799	18,761	19,375	60·32	56·58
	Increase ..	..	5,499	..	3,138	..	2,272	..	614	..	..
	Decrease ..	..	..	..	..	..	..	..	..	..	3·74

Increase and decrease in the different districts during the year.

INCREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	513	147	104	50
Kyoukpyoo	473	269	...	284
Sandoway	137	11	...	86
Northern Arakan	...	...	...	...
Hanthawaddy	484	756	593	125
Tharrawaddy	1,270	497	521	...
Prome	987	...	177	...
Henzada	893	506	844	119
Bassein	537	...	154	...
Thonegwa	192	261	43	208
Thayetmyo	4	391	211	179
Amherst	77	142	...	95
Shwaygyin	...	94	18	88
Toungoo	328	286	138	142
Tavoy	111	23	...	47
Mergui	...	...	...	...
Salween	...	...	...	...
Moulmein	229	221	168	84
Total ...	5,780	3,604	2,466	1,857

DECREASE.

Name of district.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	...	...	...	...
Kyoukpyoo	...	...	18	...
Sandoway	...	...	64	...
Northern Arakan	4	12	3	9
Hanthawaddy	...	...	...	...
Tharrawaddy	...	...	...	46
Prome	...	36	...	218
Henzada	...	...	...	...
Bassein	...	91	...	280
Thonegwa	...	...	...	...
Thayetmyo	...	...	...	...
Amherst	...	...	...	...
Shwaygyin	63	...	...	...
Toungoo	...	..	...	...
Tavoy	...	..	25	...
Mergui	153	291	75	212
Salween	11	36	9	28
Moulmein	...	...	...	...
Total ...	231	466	194	743

There is an increase of 5,499 offences reported, 3,138 persons brought to trial, and 614 convicted. The number brought to trial is 520 more than in 1879. There is said to have been better reporting in Tharrawaddy; and apparently this has happened in Prome. The Commissioner states that the rural police of Thonegwa and Bassein being well paid do their duty. In Hanthawaddy there has been great increase of crime. The increase in Kyoukpyoo is due to the fact that the Inspector at 'An did not in 1881 trouble himself to report or detect.

B.

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Arakan.	Akyab	1881	2	...	7	8	8	12	...	...	11	...	8	...	24	8	57	24	14	3	573	218
		1882	3	1	13	8	5	3	1	...	13	4	7	...	29	24	58	20	24	1	637	233
	Kyoukppoo	1881	...	...	3	3	1	1	...	...	1	...	3	...	3	1	29	27	...	...	555	188
		1882	...	...	2	2	...	...	7	6	16	9	...	...	18	14	92	28	3	2	576	231
	Sandoway	1881	6	3	...	...	...	...	1	...	1	4	3	3	2	2	40	13	1	...	189	68
		1882	9	5	1	...	...	...	...	...	3	...	1	...	3	4	91	28	...	...	249	104
	Northern Arakan	1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	2
		1882	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1
Pegu.	Hanthawaddy	1881	3	4	9	17	4	3	8	...	22	13	6	1	21	9	54	18	217	144	825	332
		1882	2	1	29	27	7	7	23	20	37	13	30	1	34	28	87	29	298	78	1,184	422
	Tharrawaddy	1881	...	...	5	9	2	1	...	...	10	28	4	2	17	9	30	3	26	13	340	328
		1882	3	1	9	3	6	6	6	1	38	25	23	1	23	29	41	9	95	11	1,125	280
	Prome	1881	2	2	14	10	2	1	2	1	10	8	8	4	25	14	48	36	97	60	839	432
		1882	1	2	16	12	2	1	18	9	15	13	1	...	26	24	38	27	168	40	1,319	442
Irrawaddy.	Henzada	1881	...	...	11	9	1	1	5	11	20	16	6	...	19	20	68	24	44	12	647	341
		1882	...	...	18	9	6	1	5	...	30	12	16	...	21	12	90	14	52	3	959	410
	Bassein	1881	2	1	14	13	3	2	1	3	10	7	6	4	18	21	70	66	22	12	507	428
		1882	2	2	11	15	4	4	2	6	14	23	2	1	11	11	69	52	45	26	898	549
	Thonegwa	1881	3	2	8	4	...	...	3	12	7	7	5	...	9	5	13	5	17	7	699	362
		1882	5	1	13	12	...	...	4	10	13	13	11	1	13	10	11	3	22	16	808	384
	Thayetmyo	1881	3	...	5	...	3	1	7	9	18	5	14	1	8	8	44	11	265	23	733	195
		1882	8	4	6	8	3	1	9	8	11	3	17		7	5	44	6	216	10	728	289

B—(*concluded*).

Division.	Name of District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		Housebreaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Tenasserim.	Amherst	1881	...	...	11	6	2	4	...	...	...	...	3	1	5	2	42	29	135	54	512	247
		1882	...	...	10	6	4	10	3	15	7	8	4	...	12	8	36	22	72	26	572	286
	Shwaygyin	1881	...	...	2	4	2	2	...	...	7	3	1	...	10	5	43	10	51	3	763	201
		1882	...	...	5	3	1	...	2	7	10	10	10	...	3	1	89	23	65	10	674	218
	Toungoo	1881	5	2	3	2	...	...	6	...	15	4	5	...	2	1	29	15	103	23	342	111
		1882	2	...	6	5	...	...	9	2	22	10	2	...	3	3	25	20	151	25	502	127
	Tavoy	1881	...	...	3	3	...	...	...	...	1	3	2	...	4	4	23	4	5	4	121	79
		1882	...	...	3	2	4	2	...	...	2	1	4	4	9	7	37	10	6	...	155	70
	Mergui	1881	...	...	...	...	...	...	4	7	1	2	1	1	1	1	10	11	...	...	256	128
		1882	...	...	2	3	1	1	...	...	1	1	1	...	9	9	16	3	2	1	145	64
	Salween	1881	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	3	4	15	21
		1882	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	1	1	10	8
	Moulmein	1881	4	2	2	2	1	1	...	...	1	...	...	...	12	10	13	9	2	1	269	102
		1882	4	5	4	5	2	2	2	2	3	1	...	...	13	6	11	7	2	...	244	108
	Total ...	1881	30	16	98	90	29	29	37	43	135	100	75	17	180	120	613	305	1,002	363	8,389	3,783
		1882	39	22	147	120	45	38	91	86	235	146	130	10	233	195	835	301	1,222	250	10,786	4,235
	Increase ...		9	6	49	30	16	9	54	43	100	46	55	...	53	75	222	...	220	...	2,397	452
	Decrease ...		...	...	...	...	...	...	...	...	...	...	...	7	...	...	...	4	...	113	...	...

3. There is an increase of 49 murders, but Colonel Sladen is of opinion that out of 14 reported in Akyab and Kyoukpyoo only eight were true cases of murder. The Hanthawaddy Deputy Commissioner reports serious increase of violent crime there and bad detection, the police being too few in number, much exercised, and sometimes careless. Six out of 29 murders in that district were committed by dacoits and robbers. In only three out of 10 murder cases sent to to the sessions were convictions obtained. There was a failure to convict in any one of the 18 murders in Henzada. The increase of culpable homicides throughout the province is 16.

4. The increase in dacoities is 54 and in robberies 100. In Hanthawaddy 60 robberies and dacoities were reported, whereof 15 were committed by the gang of Nga Noung and Po Noung, since broken up. The 18 dacoities in Prome were one day's work of a gang soon brought to justice, who stopped passers-by one after the other for several hours in one adventure. There was a general increase of crime in Tharrawaddy; and dacoities were committed in Kyoukpyoo by gangs from beyond our frontier.

5. As to rape, the Deputy Commissioner of Hanthawaddy believes, as all experience shows, that many of the complaints are untrue. The experience of many Magistrates and Judges shows that many losses of cattle from the pasture are not cases of thefts but only of straying, although it seems to be the practice of the police to accept whatever statement the owner makes and thus the statistics are swollen.

6. There are increases in housebreakings and thefts, chiefly in the districts under the Commissioner of Pegu. The Deputy Commissioner of Hanthawaddy is not sure whether there has been a real increase; but the Deputy Commissioners of Tharrawaddy and Prome admit it and ascribe it to the vicious habits of gambling and drinking; while in Arakan the opium-smokers resort as heretofore to theft rather than work. I think that the figures are swelled by the better system of reporting.

7. There have been more prosecutions for nuisances than in 1881 as the following figures show:—

	Persons charged.		Persons convicted.	
	1881.	1882.	1881.	1882.
Nuisances under Penal Code	1,630	2,228	1,146	1,441
Nuisances under Police and Municipal Acts	1,441	2,018	1,211	1,668
Gambling and lottery	1,862	2,018	1,269	1,274
Total ...	4,933	6,264	3,626	4,383

The percentage of convictions in the above totals has fallen from 73 to 69. The percentage of convictions generally has fallen, as table A shows. The carelessness of the police is the reason stated for Hanthawaddy, Tharrawaddy and Prome, and some other parts. The Commissioner, Mr. Hodgkinson, writes as follows about Henzada:—

"In Henzada the village police are an inadequately paid, discontented, and inferior body of men, and it may well be that to this cause is partly attributable the miserable failure to repress and detect crime which has again to be recorded against Henzada in this year's report.

"Although the number of offences reported in that district is somewhat less than in the year previous, the decrease is unfortunately entirely confined to trivial offences, while we have a long list of 18 murders, 3* culpable homicides, 5 dacoities, 7† robberies, 21 cases of grievous hurt, 53‡ cases of housebreaking, and 52 of cattle-theft, a list which compared with last year tends to prove beyond doubt that crime is on the increase. To detect and cope with these crimes, the police have proved themselves utterly and almost hopelessly incompetent. It is only necessary to point out the failure to bring to justice a single man in any one of the 18 murders, or more than three men amongst those concerned in five dacoities, five of the offenders in the 53 cases of housebreaking, and 16 in the 52 cases of cattle-theft. With results like these the reduction of crime cannot be hoped for, and a remedy can hardly be applied until the causes of the failure are understood and admitted."

Mr. Hodgkinson is satisfied with the other districts under him. Mr. Hough blames the Myo-okes. Colonel Street, Commissioner of Pegu, mentions several serious causes of waste of police power. The Magistrates do not check illegal

* Should be 6. | † Should be 30. | ‡ Should be 90.

detentions sufficiently even when they know that the 24 hours' period has been exceeded. Again, "the police very frequently make arrests without any evidence "whatever. It is sufficient for a complainant to say that he suspects a person "and arrest is made, and the inquiry which should have come first follows."

8. There were five persons convicted for offences about coinage and two for forgery.

9. The number of persons convicted by District Magistrates was 1,576, or 8·13 per cent.; of the total by Honorary Magistrates 1,764, or 9·11 per cent.; and by other Magistrates 16,035, or 82·76 per cent.

10. The following table shows the amount of criminal business in the several districts, the result of the trials, and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended. Miscellaneous cases under the Criminal Procedure Code have been excluded, as in paragraph 2 of this report:—

Division.	Name of district.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
Arakan.	Akyab	1,988	396	363	1,201	18	4	6	5·32	5,462
	Kyoukpyoo ...	1,388	231	218	875	8	18	43	4·38	4,660
	Sandoway... ...	575	77	86	407	4	...	1	4·95	2,095
	Northern Arakan ...	16	...	8	13	...	...	...	3·20	17
	Total ...	3,967	704	670	2,496	30	17	50	4·46	12,234
Pegu.	Hanthawaddy ...	3,275	934	697	1,488	80	8	68	6·	8,152
	Tharrawaddy ...	2,759	649	694	1,336	29	34	17	5·26	2,950
	Promo	4,164	803	891	2,397	42	7	24	3·15	10,368
	Total ...	10,198	2,386	2,282	5,221	151	49	109	4·80	21,470
Irra-waddy.	Henzada	3,420	420	816	2,083	10	10	81	6·	6,508
	Thonegwa... ...	2,641	329	829	1,429	13	...	41	4·	5,656
	Bassein	3,771	609	979	2,020	28	48	87	6·39	10,589
	Thayetmyo ...	2,065	289	450	1,243	18	50	15	6·5	5,174
	Total ...	11,897	1,647	3,074	6,775	69	108	224	5·72	27,927
Tenasserim.	Amherst	1,699	275	410	914	35	...	65	5·85	3,601
	Shwaygyin ...	1,777	352	383	999	12	3	28	6·50	4,175
	Toungoo	1,522	192	437	872	12	1	8	3·95	3,467
	Tavoy	458	36	128	289	4	1	...	3·00	1,429
	Mergui	454	10	80	360	4	...	...	3·	920
	Salween	62	9	7	45	...	...	1	2·50	97
	Moulmein... ...	2,206	230	487	1,404	36	...	49	5·27	3,510
	Total ...	8,178	1,104	1,932	4,883	103	5	151	4·38	17,199
	Grand Total ...	34,240	5,841	7,958	19,375	353	179	534	4·77	78,830
	In 1881 ...	31,102	4,467	7,060	18,761	237	187	390	4·62	66,154

11. The following table shows the punishments inflicted by the different Magisterial authorities and the orders passed in their preventive jurisdiction :—

Division.	Name of district.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	Rigorous imprisonment.		Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour.
				Two years and under.	Over two years.							
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab ..	..	4	340	14	965	19	14,744 0 0	11,508 8 0	1,569 0 0	..	6
	Kyoukpyoo ..	4	..	375	16	467	56	9,156 0 0	7,672 14 3	1,688 8 0	10	18
	Sandoway ..	4	9	182	3	256	12	3,393 4 0	2,796 0 6	286 8 0	5	16
	Northern Arakan ...	..	..	10	..	4	..	112 0 0	62 0 0	..	..	1
	Total ..	8	13	907	33	1,592	87	27,405 4 0	22,039 1 9	3,544 0 0	15	41
Pegu.	Hanthawaddy ..	1	30	593	18	819	86	17,802 14 6	12,673 5 6	1,978 0 0	..	6
	Tharrawaddy ..	3	9	437	10	923	49	23,200 3 6	14,741 7 6	3,107 4 0	26	95
	Prome ..	5	7	484	18	1,792	91	33,087 9 3	24,572 9 6	1,855 5 0	17	19
	Total ..	9	46	1,514	46	3,534	226	74,090 11 3	51,987 6 6	6,940 9 0	43	120
Irrawaddy.	Henzada ..	11	31	474	43	1,507	82	15,211 12 0	13,043 7 0	2,470 13 0	24	30
	Thonegwa ..	6	23	484	12	882	64	13,027 8 0	11,442 4 0	604 0 0	..	43
	Bassein ..	14	9	688	36	1,278	84	16,200 9 0	11,782 6 0	2,822 12 0	..	51
	Thayetmyo ..	..	22	317	39	858	52	22,494 12 0	15,019 5 9	1,316 9 1	16	16
	Total ..	31	85	1,963	130	4,525	282	66,934 9 0	51,287 6 9	7,214 2 1	40	140
Tenasserim.	Amherst ..	1	10	406	11	485	34	11,096 9 0	8,019 13 9	1,445 6 0	4	44
	Shwaygyin ..	1	13	285	10	632	38	7,969 13 0	6,032 8 0	704 8 0	17	32
	Toungoo ..	1	11	231	37	611	10	8,691 15 9	5,299 14 9	336 8 0	1	8
	Tavoy ..	7	..	83	10	163	16	2,997 10 6	2,279 8 0	217 13 8	..	..
	Mergui ..	..	2	114	8	231	10	3,137 8 0	2,332 0 0	434 8 0	5	..
	Salween ..	..	4	28	..	26	..	226 0 0	226 0 0	..	..	1
	Moulmein ..	..	8	150	..	1,242	9	7,891 8 0	6,438 5 0	470 0 0	2	5
	Total ..	10	48	1,297	71	3,390	117	42,011 0 3	31,128 1 6	3,608 11 8	29	90
	Grand Total..	58	192	5,681	280	13,041	712	2,10,441 8 6	1,56,442 0 6	21,307 6 9	127	391
	In 1881 ..	76	125	5,177	259	13,035	962	2,26,207 7 6	1,68,440 11 4	18,745 4 3	110	351

Of 19,375 persons convicted by Magistrates 13,041 were fined, of whom 12,348 were punished with fine only, being 63·73 per cent. as against 65 in 1881. Sentences over two years' imprisonment have increased; more attention has been given to habitual criminals; and whippings are fewer. Out of Rs. 2,10,441 of fines imposed Rs. 1,56,442 were realised, being a percentage of 74·34, almost the same as last year. I have had occasion to warn the Courts not to seize the separate property of a wife in realizing a fine against the husband. The average fine has fallen from Rs. 17 to Rs. 16. The Commissioner thinks the fines in Thayetmyo excessive; and the Deputy Commissioner of Tharrawaddy will be asked why only Rs. 14,000 out of Rs. 23,000 have been got in. The local Magistrates do not lose sight of excessive fines, and I believe they are rarer than heretofore.

12. Rs. 21,307 were awarded as compensation, being about a tenth of the amount imposed and nearly double the ratio of 1879. Colonel Sladen says the Native Magistrates are beginning to understand the subject of compensation; and Mr. Hodgkinson thinks it is not sufficiently awarded. Although some Courts in spite of repeated instructions make no awards, there can be no doubt that progress is being made.

13. Security cases have increased, but the different districts are very differently managed. Colonel Plant thinks 95 cases of security for good behaviour few for Tharrawaddy; while Mr. Hough only reports six in so violent a region as Hanthawaddy, where, he says, there is great difficulty in working the law. Some remarkable facts mentioned in the reports deserve mention here for the information of the Chief Commissioner and the Magistracy. Colonel Sladen writes:—

"It has been found necessary to apply the preventive sections of the Code to a large extent in the Kyoukpyoo district, where for three years no case of bad livelihood had ever been brought before the District Magistrate.

"Captain Raikes on taking charge of the district during the year found that portions of it 'literally swarmed with persons who had no ostensible means of subsistence and who enjoyed the reputation of living by petty thieving.'

"During the year 96 cases were investigated and 48 persons were bound down to give security.

"The activity displayed by the police in sending up these cases in one district resulted (as I have generally found it to do elsewhere) in an exodus of bad characters to an adjoining district in which the vagrancy laws may be more leniently enforced.

"In the present instance the bad characters, or a number of them, who could not remain with impunity at Kyoukpyoo, migrated in a body to the vicinity of Sandoway: here it would appear they were received with open arms and fed and housed for months by indifferent or unsuspecting villagers. It was not until a number of thefts had occurred and property became generally insecure that the villagers complained and that the Kyoukpyoo men were arrested and put on trial.

"The District Magistrate of Akyab has not found it necessary in his district to make more than a sparing use of the preventive sections of the Code. He rightly assumes that the absence of organized crime is in itself a cause for not resorting to extraordinary repressive measures."

Mr. Hodgkinson draws notice to the need of more perfect surveillance of bad characters and the danger of the criminal classes in such places as Okepo and Myanoung getting the upper hand of weak or useless Magistrates. In the one circle of Padan there were 117 persons who had been previously convicted, and naturally that region supplied most of the crimes. In Shwaygyin the enforcement of the preventive law is said to have reduced thefts.

The Deputy Commissioner of Thayetmyo states that the Police Superintendent has ceased to prosecute; but as the duty of the police is clear under section 23 of the Police Act V of 1861 and section 55 of the Procedure Code, and the police must do their duty to enable the Courts to act efficiently under sections 109 and 110, I have brought this report to the notice of the Chief Commissioner separately.

14. In the following table is shown the number of appeals from Subordinate Magistrates and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals:—

Division.	Name of district.	Number of persons convicted.	Number of persons who appealed.	Number of persons in whose cases			Sentence reversed or proceedings quashed.
				Sentence was confirmed or appeal rejected.	Sentence was modified.		
					Enhanced.	Reduced.	
Arakan.	Akyab	882	11	3	...	...	7
	Kyoukpyoo	804	24	9	1	4	10
	Sandoway	300	36	23	1	5	6
	Northern Arakan	...	...	...	...	...	...
	Total	1,986	71	35	2	9	23
Pegu.	Hanthawaddy	1,216	32	10	...	10	11
	Tharrawaddy	1,077	38	27	1	3	6
	Prome	627	28	3	...	1	4
	Total	2,920	98	40	1	14	21
Irrawaddy.	Henzada	1,671	53	24	...	1	26
	Thonegwa	924	38	21	...	6	11
	Bassein	1,126	23	13	1	4	5
	Thayetmyo	874	92	49	...	35	8
	Total	4,595	206	107	1	46	50
Tenasserim.	Amherst	416	20	4	...	4	11
	Shwaygyin	456	28	6	...	8	14
	Toungoo	655	14	6	1	2	5
	Tavoy	204	7	4	2	...	1
	Mergui	155	14	2	...	11	1
	Salween	12	2	2	...	...	...
	Moulmein	1,183	18	7	...	7	4
	Total	3,081	103	31	3	32	36
	Grand Total	12,582	478	213	7	101	130
	In 1881	11,814	507	200	11	145	143

There being more Magistrates of the 1st class, the appeals to District Magistrates are rather fewer, and 213 out of 478 appellants got nothing by the appeal, while 130, or about 1 in 3, got the sentences reversed and 101 got the sentences reduced.

15. The work of the Courts of Session in trials is shown below :-

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year.	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year.	Number of persons whose cases have been pending for more than three months from date of commitment.	Number of cases in which Judge agreed with assessors.	Number of cases in which Judge disagreed with assessors.	Remarks.
Arakan.	Commissioner and Sessions Judge ..	82	5	27	2	42·	..	..	16	2	
Pegu.	Commissioner and Sessions Judge ..	128	71	45	1	60·	12	..	53	10	
Irrawaddy.	Commissioner and Sessions Judge ..	66	21	43	12	52·	..	6	23	19	2 escaped.
Tenasserim.	Commissioner and Sessions Judge ..	73	26	28	9	49·	19	4	21	10	
	Sessions Judge, Moulmein	40	17	19	..	50·	2	..	..	..	2 transferred.
	Total ..	339	140	162	24	51·	33	10	113	41	2 escaped. 2 transferred.
	In 1881 ..	285	82	156	18	35·73	22	6	77	36	13 withdrawn. 12 transferred.

16. The various punishments inflicted by the Courts of Session were as follows :—

Division.	Designation of Judge.	PERSONS SENTENCED TO										AMOUNT OF FINE		
		Death.	TRANSPORTATION		IMPRISONMENT.				Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	Awarded as compensation.
					Rigorous.		*Simple.*							
			For life.	For a term.	Over seven years	Seven years and under.	Over seven years.	Seven years and under.						
												Rs.	Rs.	Rs.
Arakan.	Commissioner and Sessions Judge ...	2	12	...	8	9	...	1	...	...	...	...	...	...
Pegu.	Commissioner and Sessions Judge ...	1	7	....	11	25	...	...	...	1	...	100	...	...
Irrawaddy.	Commissioner and Sessions Judge ...	12	12	...	5	12	...	...	...	2	...	50	50	...
Tenasserim.	Commissioner and Sessions Judge ...	0	1	1	2	15	...	...	...	...	...	...	...	...
	Sessions Judge, Moulmein	...	1	...	3	15	...	...	...	2	...	250	...	...
	Total ...	24	33	1	24	76	...	1	...	5	...	400	50	...
	In 1881 ...	18	30	5	11	83	...	2	1	9	2	1,050	850	250

The trials at the Courts of Session have increased. The disturbed state of Hanthawaddy and the fact of the Acting Deputy Commissioner of Tharrawaddy not exercising his special powers contributed to the increase of five cases in the territory now under the Commissioner of Pegu. The Judge of Tenasserim can give no special reason for the large increase there. I am now eliciting a wide expression of official opinion as to the frequency of differences of opinion between Judges and assessors in capital cases.

17. The result of appeals from Magistrates to Courts of Session was as follows:—

Division.	Name of district.	Number of persons convicted in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Sentences Enhanced.	Sentences Reduced.	Number of persons whose sentences were reversed or proceedings quashed.	Remarks.
Arakan.	Akyab	514	51	34	...	3	5	4 not appealable; 5 pending.
	Kyoukpyoo... ...	598	41	19	1	1	8	6 not appealable. 4 pending. 1 died. 1 struck off.
	Sandoway	99	24	14	...	4	4	2 pending.
	Northern Arakan ...	...	...	...	...	...	...	
	Total ...	1,211	116	67	1	8	17	10 not appealable. 11 pending. 1 died. 1 struck off.
Pegu.	Hanthawaddy ...	202	55	40	3	...	8	4 pending.
	Tharrawaddy ...	176	66	31	...	4	25	6 do.
	Prome	377	91	58	2	3	24	4 do.
	Total	755	212	129	5	7	57	14 do.
Irrawaddy.	Henzada	155	46	34	...	1	8	3 do.
	Thonegwa	209	41	30	1	7	2	1 do.
	Bassein	248	59	39	5	...	14	1 do.
	Thayetmyo... ...	187	78	46	...	8	20	4 do.
	Total ...	799	224	149	6	16	44	9 do.
Tenasserim.	Amherst	167	48	29	...	...	14	5 do.
	Shwaygyin... ...	182	46	31	...	1	9	5 do.
	Toungoo	172	62	44	...	2	13	3 do.
	Tavoy	45	21	15	...	1	5	
	Mergui	42	18	14	...	...	4	
	Salween	12	1	...	...	...	1	
	Moulmein	46	4	4	...	...	...	
	Total ...	666	200	137	...	4	46	13 do.
	Grand Total ...	3,431	752	482	12	35	164	10 not appealable. 47 pending. 1 died. 1 struck off.
	In 1881 ...	3,078	617	408	1	71	122	7 pending. 5 not appealable. 2 referred. 1 died.

The percentage of appellants who got their sentences reversed was 21·81, *i.e.* about 1 in 5.

18. The work of the Appellate Courts is shown in the following table:—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further enquiry.	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.
Arakan.	Captain C. H. E. Adamson, District Magistrate of Akyab	7	7	...	4·	...	...
	Lieutenant-Colonel W. W. Pemberton, District Magistrate of Kyoukpyoo...	10	10	...	11·	...	...
	Captain F. D. Raikes, District Magistrate of Kyoukpyoo	9	9	...	8·	...	...
	Captain C. A. Cresswell, District Magistrate of Sandoway	34	33	...	4·	1	...
	Colonel E. B. Sladen, Commissioner and Sessions Judge of Arakan	103	93	...	11·	10	..
	Total ...	163	152	...	8·	11	...
Pegu.	Mr. A. Hough, District Magistrate of Hanthawaddy	18*	17	...	7·	...	...
	Mr. K. G. Burne, 1st class Magistrate, Hanthawaddy head-quarters	6	6	...	10·	...	...
	Mr. W. C. Midwinter, District Magistrate of Tharrawaddy	24	24	...	9·	...	...
	Mr. H. Adamson, District Magistrate of Tharrawaddy	1	1	...	11·	...	...
	Lieutenant-Colonel W. C. Plant, District Magistrate of Tharrawaddy	3	2	...	9·	1	...
	Major G. Alexander, District Magistrate of Prome...	13	11	...	4·	2	...
	Lieutenant-Colonel C. W. Street, Commissioner and Sessions Judge of Pegu	182	161	8	14·	13	...
	Total ...	247	222	8	9·	16	...
Irrawaddy.	Major H. R. Spearman, District Magistrate of Henzada	53	51	...	6·	2	...
	Mr. H. Buckle, District Magistrate of Thonegwa ...	28	28	...	4·	...	...
	Colonel W. Munro, District Magistrate of Bassein ...	28	28	...	6·	...	...
	Colonel H. N. Davies, District Magistrate of Thayetmyo						
	Mr. R. H. Pilcher, District Magistrate of Thayetmyo						
	Mr. H. T. White, Officiating District Magistrate of Thayetmyo	28	28	...	6·	...	...
	Captain W. F. H. Grey, Officiating District Magistrate of Thayetmyo						
	Lieutenant-Colonel W. C. Plant, Officiating Commissioner and Sessions Judge of Irrawaddy ...						
	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge of Irrawaddy	237	228	...	20·	9	2
	Total ...	369	358	...	8·	11	2
Tenasserim.	Mr. J. K. Macrae, District Magistrate of Amherst ...	1	1	...	27·	...	...
	Lieutenant-Colonel W. W. Pemberton, District Magistrate of Amherst	9	8	...	12·	1	...
	Mr. G. L. Weidemann, District Magistrate of Shwaygyin	25	25	...	16·	...	...
	Major G. A. Strover, District Magistrate of Toungoo	8	8	...	4·	...	...
	Mr. A. R. Birks, District Magistrate of Toungoo ...	2	2	...	3·	...	...
	Major W. G. Hughes, District Magistrate of Tavoy	7	7	...	12·	...	...
	Mr. C. J. A. Duke, District Magistrate of Tavoy ...						
	Captain J. Butler, District Magistrate of Mergui ...	7	7	...	12·	...	...
	Mr. J. C. Davis, District Magistrate of Salween ...	2	2	...	6·	...	...
	Lieutenant-Colonel M. Furlong, District Magistrate of Moulmein	18	18	...	12·	...	...
	Mr. A. R. Birks, Officiating Sessions Judge of Moulmein	4	4	...	6·	...	...
	Mr. D. G. Macleod, Sessions Judge of Moulmein ...						
	Colonel A. G. Duff, Commissioner and Sessions Judge of Tenasserim	162	152	...	16·	10	...
	Total ...	245	234	...	11·	11	...
	Grand Total ...	1,024	966	8	10·	49	2
	In 1881 ...	881	827	15	11·76	29	1

* In one case the appellant died in Jail before the hearing of the appeal.

19. In the following table is shown the work of the Court of the Judicial Commissioner as a Court of Appeal :—

Division.	Designation of tribunal and name of District Magistrate or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	Modified.		Reversed.	Pending.
					Enhanced.	Reduced.		
Arakan.	Captain C. H. E. Adamson, District Magistrate of Akyab	9	3	4	1	...	1	...
	Lieutenant-Colonel W. W. Pemberton, District Magistrate of Kyoukpyoo	5	2	2	...	...	1	...
	Captain F. D. Raikes, District Magistrate of Kyoukpyoo	9	5	4	...	...	...	...
	Captain C. A. Cresswell, District Magistrate of Sandoway	2	2	...	...	...	...	...
	Colonel E. B. Sladen, Commissioner and Sessions Judge of Arakan	17	5	6	...	1	2	3
	Total ...	42	17	16	1	1	4	3
Pegu.	Lieutenant-Colonel W. C. Plant, District Magistrate of Hanthawaddy	3	1	2	...	...	...	...
	Mr. A. Hough, District Magistrate of Hanthawaddy	2	2	...	...	...	...	...
	Mr. W. C. Midwinter, District Magistrate of Tharrawaddy	5	2	3	...	...	...	...
	Major G. Alexander, District Magistrate of Prome	14	4	4	...	3	1	2
	Lieutenant-Colonel C. W. Street, Commissioner and Sessions Judge of Pegu	25	16	6	...	2	1	...
	Total ...	49	25	15	...	5	2	2
Irrawaddy.	Major H. R. Spearman, District Magistrate of Henzada	30	15	8	1	1	5	...
	Mr. H. Buckle, District Magistrate of Thonegwa	9	2	7	...	...	...	...
	Colonel W. Munro, District Magistrate of Bassein	19	10	8	...	...	...	1
	Colonel H. N. Davies, District Magistrate of Thayetmyo	2	1	1	...	...	...	...
	Mr. R. H. Pilcher, District Magistrate of Thayetmyo	17	2	4	...	1	10	...
	Captain W. F. H. Grey, Officiating District Magistrate of Thayetmyo	3	3	...	...	...	...	...
	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge of Irrawaddy	12	2	7	...	1	1	1
	Lieutenant-Colonel W. C. Plant, Officiating Commissioner and Sessions Judge of Irrawaddy ...	23	3	13	...	4	3	...
	Total ...	115	38	48	1	7	19	2
Tenasserim.	Lieutenant-Colonel W. W. Pemberton, District Magistrate of Amherst	1	...	1	...	...	...	...
	Major C. H. A. Gower, District Magistrate of Shwaygyin	2	1	...	...	...	1*	...
	Mr. G. L. Weidemann, District Magistrate of Shwaygyin	4	2	2	...	...	...	...
	Major G. A. Strover, District Magistrate of Toungoo	28	13	6	1	...	5	3 1
	Mr. A. R. Birks, District Magistrate of Toungoo	1	...	...	...	...	...	
	Major W. G. Hughes, District Magistrate of Tavoy	5	1	...	...	1	3	...
	Mr C. J. A. Duke, District Magistrate of Tavoy...	7	4	...	1	...	...	2
	Captain J. Butler, District Magistrate of Mergui...	7	2	3	...	1	1	...
	Lieutenant-Colonel M. Furlong, District Magistrate of Moulmein	1	...	1†	...	...	...	...
	Mr. A. R. Birks, Officiating Sessions Judge of Moulmein	4	2	1	...	...	1	...
	Mr. D. G. Macleod, Sessions Judge of Moulmein	1	1	...	...	...	...	...
	Colonel A. G. Duff, Commissioner and Sessions Judge of Tenasserim	15	2	6	...	1	4	2
	Total ...	76	28	20	2	3	15	8
	Grand Total ...	282	108	99	4	16	40	15
	In 1881 ...	281	107	72	3	12	58	29

* New trial ordered. † Struck off as process cannot be served.

The percentage of reversals in the Judicial Commissioner's Court was 14.

20. The work of the Judicial Commissioner's Court as a Court of Revision is shown in the following table :—

Division.	Name of district.	Number of persons whose cases were called for.	Sentence			Reversed.	Pending.	Remarks.
			Confirmed.	*Modified.*				
				Enhanced.	Reduced.			
Arakan.	Akyab	38	24	...	2	11	1	
	Kyoukpyoo	52	31	...	1	19	1	
	Sandoway	6	4	...	...	2	...	
	Northern Arakan ...	1	1	...	...	...	...	
	Commissioner and Sessions Judge of Arakan ...	1	1	...	...	...	...	
	Total ...	98	61	...	3	32	2	
Pegu.	Hanthawaddy	122	46	...	4	66	6	
	Tharrawaddy	66	42	1	2	14	7	
	Prome	46	26	...	6	14	...	
	Commissioner and Sessions Judge of Pegu ...	2	2	...	...	...	...	
	Total ...	236	116	1	12	94	13	
Irrawaddy.	Henzada	117	34	...	3	33	47	
	Thonegwa	104	69	...	11	17	7	
	Bassein	66	43	...	5	14	4	
	Thayetmyo	98	46	1	4	47	...	
	Commissioner and Sessions Judge of Irrawaddy ...	...	...	...	...	...	...	
	Total ...	385	192	1	23	111	58	
Tenasserim.	Amherst	54	23	3	5	8	15	
	Shwaygyin	40	20	1	2	17	...	
	Toungoo	44	22	1	3	18	...	
	Tavoy	19	11	...	1	7	...	
	Mergui	22	14	...	...	8	...	
	Salween	5	3	...	...	2	...	
	Moulmein	10	8	...	1	1	...	
	Commissioner and Sessions Judge of Tenasserim ...	1	...	1	...	...	...	
	Total ...	195	101	6	12	61	15	
	Grand Total ...	914	470	8	50	298	88	
	In 1881 ...	1,342	817	14	103	365	43	

The falling-off of revision cases is a good sign, being the result of better procedure. The printed and translated circular orders have had a general effect. The amount of revision and superintendence is not the less because the part done by the Judicial Commissioner is less than formerly. On the contrary it may be assumed that the machinery was more efficient as the local officers generally know more about particular cases than the Judicial Commissioner can at first sight. Out of 435 revision cases (not persons) disposed of, the initiative was as follows :—

Called for by Judicial Commissioner of his own motion ...	254
Called at instance of parties	41
Referred by Sessions Judges	43
Referred by District Magistrates	97
Total ...	435

The following shows the number of cases referred by different Judges and Magistrates :—

	Cases.
Sessions Judge of Arakan	2
Ditto of Pegu	7
Ditto of Irrawaddy	23
Ditto of Tenasserim	7
Ditto of Moulmein	4
District Magistrate of Akyab	12
Ditto of Kyoukpyoo	9
Ditto of Hanthawaddy	19
Ditto of Tharrawaddy	5
Ditto of Prome	7
Ditto of Thonegwa	4
Ditto of Henzada	7
Ditto of Thayetmyo	11
Ditto of Amherst	8
Ditto of Shwaygyin	5
Ditto of Toungoo	6
Ditto of Tavoy	8
Ditto of Salween	1
Total ...	140

21. The Sessions Judges on their circuits examined the lower Courts, calling for many cases, *e.g.*, the Judge of Irrawaddy called for 347 cases; the Magistrates of Amherst called for 122, Thonegwa 307, Akyab 70, Tavoy 29, and Thayetmyo 80 cases. The Magistrate of Kyoukpyoo examined a great many; and the same was done by others who have not reported on the subject. Colonel Sladen, Sessions Judge of Arakan, is satisfied from his inspections that the criminal work is done fairly well and substantial justice rendered. Out of 1,077 persons convicted by Magistrates in cases appealable to the District Magistrate of Tharrawaddy only 38 appealed, and of these 27 got their sentences confirmed, a result which, as Colonel Plant remarks, "in a district where communication with "the Appellate Court by rail is cheap and easy, speaks volumes in favour of the sub- "stantial justice dealt out by the Magistracy." After looking over my notes of inspections of 60 Courts subordinate to different Magistrates, I think I may say that this remark applies to other districts and that persons aggrieved at wrong convictions or excessive sentences can without difficulty get their remedy. The Magistrate of Thonegwa, Mr. Buckle, has taken the trouble to describe the mistakes which he found, and though numerous they are rather errors of procedure than failures of justice. His valuable remarks I will print for the information of other District Officers. The Magistrate of Hanthawaddy did not find much time for inspection, but I went on tour in this district myself. Generally it may be said that the Judges and Magistrates have done what they could to improve the Courts below them by inspection and the issue of orders.

22. The work of the Honorary Magistrates increases in amount. The Deputy Commissioner of Akyab describes as a distinguishing feature the great work got through by the Akyab Bench :—

"They have tried 280 persons, a greater number than any other Court with the exception of the Court of the Assistant Commissioner, Akyab. Their work appears to have been fairly done, and as they gain experience they will become more and more useful. A clerk has been provided for them during the year, but they have still no Court in which to sit."

The Sessions Judge of Arakan writes :—

"It is gratifying to be able to report that, judged by present results, the experiment has been fairly successful.

"The Magistrates have tried 280 petty cases during the year, and to this extent have done much to relieve the work of the Assistant Commissioner, who acts as Town Magistrate and Vice-President of the Akyab Town Municipality."

The Magistrate of Moulmein says the Bench there have sat regularly, and the Judge agrees with him that they are very industrious, having tried 1,301 cases, but thinks their sentences rather too lenient.

At Prome the experienced stipendiary who sits with the Bench is satisfied with them, and here and at Henzada the Benches ought to take more and more cases. They tried 103 and 115 cases respectively.

Colonel Munro writes as follows about the Bench at Bassein, and all that a District Magistrate so well informed writes on such asubject is worth quoting :—

"The Honorary Magistrates sat independently during the whole of the year of report, while during the whole of the preceding year Captain Jenkins, the Assistant Commissioner, sat with them. They have performed a great deal of work during the year and been of great assistance in the disposal of criminal business. They during the year disposed of 153 cases with 337 accused persons.

"They have freely consulted the Assistant Commissioner when they were in want of advice how to deal with cases before them. They have principally dealt with cases of petty theft, assault, and municipal cases."

There were 290 cases disposed of by the Honorary Magistrates at Toungoo, but the Deputy Commissioner has not yet replied to my telegram as to the style of the work in 1882.

23. This important part of judicial administration has I think been very fairly conducted, the officers to whom the initiative was entrusted by Government having cordially responded to the confidence placed in them. In India pensioned Judges and Magistrates are often appointed to the Honorary Bench, and at Prome and probably other places such members would be a strength to the Benches.

24. The following table shows the work of the Court of the Judicial Commissioner as a Court of Reference for the confirmation of capital sentences :—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan ...	Colonel E. B. Sladen, Commissioner and Sessions Judge of Arakan	2	2	...	...	...
Pegu ...	Lieutenant-Colonel C. W. Street, Commissioner and Sessions Judge of Pegu	3	2	1	...	...
Irrawaddy ...	Lieutenant-Colonel W. C. Plant, Officiating Commissioner and Sessions Judge of Irrawaddy ...	8	5	3	...	...
	Mr. G. J. S. Hodgkinson, Commissioner and Sessions Judge of Irrawaddy	7	3	2	1	1
Tenasserim ...	Colonel A. G. Duff, Commissioner and Sessions Judge of Tenasserim	9	6	1	2	...
	Total ...	29	18	7	3	1
	In 1881 ...	21	9	3	3	6

25. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.			Charges, including salaries of process-servers, contingencies, &c.		
			Rs.	A.	P.	Rs.	A.	P.
Arakan ...	Akyab	2,333	1,694	8	0	1,736	5	0
	Kyoukpyoo	1,040	688	0	0	615	0	0
	Sandoway	455	296	0	0	264	0	0
	Northern Arakan	...	...			...		
	Total ...	3,828	2,678	8	0	2,615	5	0
Pegu ...	Hanthawaddy	2,152	1,547	8	0	1,195	0	0
	Tharrawaddy	1,432	1,016	0	0	560	8	0
	Prome	2,862	1,966	8	0	1,264	8	0
	Total ...	6,446	4,530	0	0	3,020	0	0
Irrawaddy ...	Henzada	2,253	1,624	0	0	984	0	0
	Thonegwa	1,618	1,156	0	0	413	6	0
	Bassein	2,734	2,007	8	0	1,284	10	0
	Thayetmyo	1,282	921	8	0	264	0	0
	Total ...	7,882	5,709	0	0	2,896	0	0
Tenasserim ...	Amherst	1,808	1,240	8	0	504	0	0
	Shwaygyin	1,225	881	0	0	653	0	0
	Toungoo	1,889	1,184	8	0	720	0	0
	Tavoy	416	302	8	0	312	0	0
	Mergui	404	294	0	0	132	0	0
	Salween	19	14	8	0	40	8	0
	Moulmein	2,910	2,219	8	0	1,374	0	0
	Total ...	8,671	6,036	0	0	3,735	8	0
	Grand Total ...	26,827	18,953	8	0	12,266	13	0
	In 1881 ...	24,645	17,593	8	0	12,801	7	0

JOHN JARDINE,

Judicial Commissioner, British Burma.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in Rangoon Town, in the province of British Burma, on the last day of the year 1882, with the cost of tribunals.

NAME OF PROVINCE.		Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION. Judges of Chief Courts of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	TOTAL NUMBER OF CASES DECIDED. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs.	Rs.	*a* The Rangoon Cantonment.
	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			*b* The Recorder of Rangoon, whose Court is also the Court of Sessions for the division of Rangoon Town, which explains why no entry is made in column 4 or 8.
																		c Thirteen Special Magistrates (called Honorary).
Territory subject to the High Court.	Criminal ..	45 sqr. miles.	134,176	...	1	*a*1	*b*1	...	1	1	*c*13	*d*4,917	*e*161	*f*51	*g*32	*h*143,625	*i* 158,268	*d* (1) By Honorary Magistrates ... ... 1,071 (2) By Assistant Magistrate .. ... 3,755 (3) By Town Magistrate ... ... 16 (4) By Recorder as a High Court ... ... 73 (5) By Recorder as a Sessions Judge ... .. 2 Total ... 4,917
	Revenue...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*e* By Town and Assistant Magistrates 161
																		f (1) By Town Magistrate ... ... 14 (2) By Recorder ... . 37 Total ... 51
	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*g* By Recorder 32
Territory not subject to the High Court.	Criminal .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Rs. *h* (1) Honorary Magistrates ... ... 6,238 (2) Assistant Magistrate ... ... 17,383 (3) Town Magistrate ... ... 338 (4) Recorder ... ... 36,965 (5) Small Cause Court ... ... 36,349 Total ... 97,773
	Revenue...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	*143,625	*158,268	Rs *i* (1) Honorary Magistrates .. .. 2,07[illegible] (2) Extra Assistant Commissioner ... ... 4,80[illegible] (3) Assistant Magistrate ... . 12,32[illegible] (4) Town Magistrate ... ... 16,54[illegible] (5) Recorder ... ... 49,17[illegible] (6) Small Cause Court ... ... 31,665 Total ... 1,16,581
PROVINCE OF BRITISH BURMA.																		
Total ...		45	134,176	...	1	1	1	...	1	1	13	4,917	161	51	32	...	...	

* This includes both Civil and Criminal under orders contained in Resolution No. 24-1552—62, dated the 20th October 1882.

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, acquitted, and committed in each class of offence by the Magistrates in the Rangoon Town district, in the province of British Burma, in the year 1882.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year including pending from previous year.*	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.†	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Do. relating to the army and navy ... Chapter VII	...	...	...	...	...	...	...	...	
Do. against the public tranquillity ... do. VIII	211	211	211	662	129	533	...	...	
Do. by or relating to public servants ... do. IX	11	11	11	11	1	9	...	1	
Contempts of the lawful authority of public servants do. X	2	2	2	3	2	1	...	...	
False evidence and offences against public justice ... do. XI	39	34	34	39	19	17	...	1	2 committed.
Offences relating to coin and Government stamps ... do. XII	3	3	3	5	...	1	...	...	4 ditto.
Do. relating to weights and measures ... do. XIII	9	9	9	9	1	8	...	...	The details of the work of the Recorder as a High Court and Court of Sessions are given in the body of the report.
Do. affecting the public health, safety, convenience, decency, and morals ... do. XIV	35	35	35	83	4	79	...	...	
Do. relating to religion ... ... do. XV	3	3	3	7	1	6	...	...	
Offences affecting the human body, Chapter XVI ... ... — Offences affecting life	14	14	13	14	1	2	1	...	10 committed.
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births ...	...	...	...	...	...	...	...	...	
Hurt	162	162	159	205	49	140	...	2	14 ditto.
Wrongful restraint and wrongful confinement	11	11	9	17	5	11	1	...	
Criminal force and assault	933	933	933	1,459	1,019	440	...	...	
Kidnapping, forcible abduction, slavery, and forced labour	5	5	5	6	4	...	...	...	2 ditto.
Rape	...	...	...	...	...	...	...	...	
Unnatural offence	...	...	...	...	...	...	...	...	
Offences against property, Chapter XVII — Theft	867	758	503	542	112	409	...	...	21 ditto.
Extortion	3	3	3	4	3	1	...	...	
Robbery and dacoity	24	24	12	27	9	2	...	...	16 ditto.
Criminal misappropriation of property	3	3	3	3	2	1	...	...	
Criminal breach of trust	29	29	29	29	7	17	...	...	5 ditto.
Receiving of stolen property	35	34	34	39	9	27	...	...	3 ditto.
Cheating	18	18	18	18	8	3	...	2	5 ditto.
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	
Mischief	16	16	16	19	12	6	...	...	1 ditto.
Criminal trespass	86	86	80	115	56	48	...	1	10 ditto.
Offences relating to documents and to trade or property marks ... ... Chapter XVIII ...	2	2	2	2	1	...	...	...	1 ditto.
Criminal breach of contracts of service ... do. XIX ...	5	5	5	21	19	2	...	...	
Offences relating to marriage ... ... do. XX ...	23	23	23	25	23	...	...	...	2 ditto.
Defamation ... ... do. XXI ...	20	20	20	24	20	2	...	...	2 ditto.
Criminal intimidation, insult, and annoyance ... do. XXII ...	238	238	238	349	229	120	...	...	
Offences under special and local laws	2,734	2,429	2,429	3,653	481	3,172	...	...	
Total ...	5,561	5,121	4,842	7,390	2,226	5,057	2	7	98

* That is, the total of columns 5 to 9 and column of number of persons committed to the Court of Sessions.
† Persons transferred from one Court to another *in the same province* are not to be entered in this column.

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of miscellaneous proceedings under the Criminal Procedure Code in the Town of Rangoon during 1882.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 250	2	2	.....	2	
2. Proceedings against witnesses under Chapter XXVI	.....	.....	.....	.....	
3. Forfeiture of bail or recognizance under Chapter XXVIII	3	3	.....	3	
4. Non-attendance of jurors or assessors, Chapter XIX, section 414	.....	.....	.....	.....	
5. Contempts of Court under Chapter XXXII	1	1	.....	1	
6. Proceedings under Chapter XXXVII to prevent breach of the peace	16	19	7	12	
7. Security for good behaviour under Chapter XXXVIII	74	99	35	64	
8. Proceedings against local nuisances, Chapter XXXIX	5	5	1	4	
9. Possession, Chapter XL	.....	.....	.....	.....	
10. Maintenance, Chapter XLI	42	44	25	19	
Total ...	143	173	68	105	

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the Rangoon Town Sessions Division, in the province of British Burma, during the year 1882.

CLASS OF COURTS.	Total number of persons under trial.§	PERSONS WHOSE CASES WERE DISPOSED OF.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.¶	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted.		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 42 ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Subordinate Magistrate sitting singly	5,632	2	1,197	260	4,128	98	7	3,755	1·75	4,565	
Subordinate Magistrates... Benches of Magistrates	1,738	...	1,065	23	630	...	...	1,071	1·25	3,284	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code	...	...	...	..	...	...	...	...	...	...	
Chief Magistrates of districts	20	...	4	10	6	...	...	16	1·25	67	
Courts of Sessions (Recorder)†	103*	...	30	64	...	...	10	73	27a	349	
Court of Recorder of Rangoon sitting as a High Court‡	3	...	1	1	...	...	1	2		17	
Total ...	7,496	2	2,257	358	4,764	98	18	4,917	...	8,283	

a The average duration of a case in the Recorder's Court is calculated on the whole number of days intervening between the committal of and disposal of the case. The average number of days taken up in trying one case in the Recorder's Court was ·46 of a day.

*One of these persons was tried twice acquitted in one case and convicted in the other.
†Include cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code
‡Include cases decided by the High Court on reference under sections 263 and 367, Criminal Procedure Code. These cases cannot be included in this return: they would appear in the work of the Special Court.
§That is the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the end of the year if not decided.
¶Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the punishments inflicted by the various criminal tribunals in the Rangoon Town Sessions Division in the province of British Burma in the year 1882.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENT.																
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.†	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates, under section 42 ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Honorary Magistrates sitting singly	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	...	...	...
Subordinate Magistrates. Stipendiary Subordinate Magistrate sitting singly	...	...	...	736	12	...	3,655	75	64	28	3,347	266	34	7	1	...	20,517	15,731	480	206	450	92	...	...	40	34	1	5
Subordinate Magistrates. Benches of Magistrates	...	...	...	14	...	...	636	...	...	...	558	78	...	...	...	...	3,947	3,725	158	7	7	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	..	..	...	...	...
Chief Magistrates of Districts	...	...	.	5	...	...	11	1	12	12	4	6	1	...	...	...	358	303	100	...	4	1	..	..	1	...	...	2
Court of Sessions* (Recorder)	1	11	...	51	...	...	1	...	...	...	...	1	...	...	...	...	15	15	...	..	2	9	39	1	...	...	...	...
Court of the Recorder of Rangoon sitting as a High Court	...	...	...	1	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
Total ...	1	11	..	807	12	...	4,303	76	76	40	3,909	351	35	7	1	...	24,837	19,774	738	213	463	103	39	1	41	34	1	7

* Include cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Include fines realized during the year though imposed in previous years.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishment by the District Magistrate and Assistant Magistrate, Rangoon Town District.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.													
	5 and under.		6 to 10.		11 to 16.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
In lieu of other punishment (Sections 2 and 3, Act VI, 1864) ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
1. Theft as defined in Section 378, I. P. C.	1	...	16	...	11	...	1	...	...	...	...	...	29	
1. Theft as defined in Section 380 „ ...	...	...	20	...	6	2	...	2	1	...	...	...	31	
1. Theft as defined in Section 381 „ ...	...	...	1	...	1	...	...	...	...	...	...	...	2	
1. Theft as defined in Section 382 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 388 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 389 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property as defined in Section 411 „ ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
3. Dishonestly receiving stolen property as defined in Section 412 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4. Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	...	...	...	...	...	...	
5. Lurking house-trespass by night as defined in section 444	...	...	...	...	...	...	...	...	...	...	...	...	...	
6. House-breaking as defined in section 445	...	...	...	...	...	...	...	...	...	...	...	...	...	
7. House-breaking by night as defined in section 446	...	...	...	...	...	...	...	...	...	...	...	...	...	
8. Offence under section 14, Act III, 1880	...	...	...	...	...	...	...	...	...	...	...	...	...	
TOTAL ...													63	

PART II.

Statement showing whippings inflicted in addition to other punishments, section 3 and 4, Act VI of 1864, by the District Magistrate and Assistant Magistrate, Rangoon Town District.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.							Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	
1	2	3	4	5	6	7	8	
In addition to other punishment (Section 3 and 4); A.—Section 3.	...	...	...	...	...	...	...	
1 Theft as defined in Section 378 I. P. C. ...	...	1	3	1	...	...	5	
1 Theft as defined in Section 380 „ ...	...	1	2	5	...	...	8	
1 Theft as defined in Section 381 „ ...	...	...	...	...	...	...	...	
1 Theft as defined in Section 382 „ ...	...	...	...	...	...	...	...	
2 Extortion as defined in Section 388 „ ...	...	...	...	...	...	...	...	
2 Extortion as defined in Section 389 „ ...	...	...	...	...	...	...	...	
3 Dishonestly receiving stolen property as defined in Section 411 „ ...	...	...	...	...	...	...	...	
3 Dishonestly receiving stolen property as defined in Section 412 „ ...	...	...	...	...	...	...	...	
4 Lurking house-trespass as defined in section 443 ...	...	...	...	...	...	...	...	
5 Lurking house-trespass by night as defined in section 444 ...	...	...	...	...	...	...	...	
6 House-breaking as defined in section 445	...	...	...	...	...	...	...	
7 House-breaking by night as defined in section 446	...	...	...	...	...	...	...	
8 Offence under section 14, Act III, 1880	...	...	...	...	...	...	...	
B.—Section 4.								
1 False evidence as defined in Section 193 I. P. C. ...	...	...	...	...	...	...	...	
1 False evidence as defined in Section 194 „ ...	...	...	...	...	...	...	...	
1 False evidence as defined in Section 195 „ ...	...	...	...	...	...	...	...	
2 False charge of unnatural offence as defined in section 211 and 377 ...	...	...	...	...	...	...	...	
3 Assault as defined in section 354	...	...	...	...	...	...	...	
4 Rape as defined in section 375	...	...	...	...	...	...	...	
5 Unnatural offence as defined in section 377	...	...	...	...	...	...	...	
6 Robbery as defined in section 390	...	...	...	...	...	...	...	
7 Dacoity as defined in section 391 I. P. C.	...	...	...	...	...	...	...	
8 Attempt at robbery as defined in section 393	...	...	...	...	...	...	...	
9 Hurt in committing robbery as defined in section 395	...	...	...	...	...	...	...	
10 Receiving stolen propery, as defined in section 412	...	...	...	...	...	...	...	
11 Forgery as defined in Section 463 I. P. C. ...	...	...	...	...	...	...	...	
11 Forgery as defined in Section 466 „ ...	...	...	...	...	...	...	...	
11 Forgery as defined in Section 467 „ ...	...	...	...	...	...	...	...	
11 Forgery as defined in Section 468 „ ...	...	...	...	...	...	...	...	
11 Forgery as defined in Section 469 „ ...	...	...	...	...	...	...	...	
12 Lurking house-trespass as defined in section 443 ...	...	...	...	...	...	...	...	
13 Lurking house-trespass by night as defined in section 444 ...	...	...	...	...	...	...	...	
14 House-breaking, as defined in section 445	...	...	...	...	...	...	...	
15 House-breaking by night as defined in section 446	...	...	...	...	...	...	...	
TOTAL ...							13	

NOTE.—Include juveniles punished under any of these heads.

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II by the District Magistrate and Assistant Magistrate, Rangoon Town District.—Blank.

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments by the District Magistrate and Assistant Magistrate, Rangoon Town District

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded*	76	
2. Total number of other punishment†	5,152	
Percentage of whippings ...	1·47	

* Total of column 14, Parts I and III, and of column 8, Part II.
† Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the result of appeal and revision in criminal cases in the Rangoon Town Sessions Division in the province of British Burma in the year 1882.

TRIBUNAL.	NUMBER OF PERSONS.												REMARKS.
	Total number of appellants and applicants for revision before the Courts.†	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts*	23	...	6	10	...	...	...	...	...	6	...	6·5	
„ Courts of Sessions	42	...	33	1	...	4	4	...	...	...	...	15·9	
„ the Court of the Recorder of Rangoon sitting as a High Court ... .. (By persons convicted..	...	...	...	...	...	...	...	...	...	...	...	...	
(By Government from judgments of acquittal	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	64	...	39	11	...	4	4	...	...	6	...	...	
Revision.													
By Chief Magistrates of Districts	...	..	...	...	...	...	...	...	...	...	...	...	
„ Courts of Sessions (Recorder)	...	...	...	...	...	...	...	...	...	...	...	...	
„ the Court of the Recorder of Rangoon sitting as a High Court ...	65	...	9	2	...	15	1	26	12	...	...	5 5	
Total ...	65	...	9	2	...	15	1	26	12	...	...	1·	
GRAND TOTAL ...	129	...	48	13	...	19	5	26	12	6	...	...	

* Or other Magistrates authorized to hear appeals under section 266, Criminal Procedure Code.
† That is the total of columns 3 to 12. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT 13 (CRIMINAL).

Statement showing use of jurors and assessors in the Criminal Courts in Rangoon Town in the province of British Burma in the year 1882.

Classes of Courts in which Jurors or Assessors are employed distinguishing Criminal from Civil Courts.		Established average or number of jurors or assessors in each case, and proscribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			Remarks. *
					Case in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differed from		
						Wholly.	Partially.	Whose cases he referred under Section 263, C. P. C.	Whose cases he did not refer under Section 263, C. P. C.		One assessor.	Both assessors.	
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—CIVIL COURTS.													
Chief Courts of Districts (or officer specially empowered) acting under Act X of 1870	Assessors...	...	...	...	...	...	...	...	...	...	...	...	
II.—CRIMINAL COURTS.													
Magistrates' Courts under Chapter XXXIX, C. P. C. ...	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	73	...	73	...	...	...	...	...	...	...	
	Assessors...												
High Court, Original Criminal Jurisdiction	Jurors ...		2	...	2	...	...	...	...	...	...	...	
	Total ...	5	75	...	75	...	...	...	...	...	...	...	

* Note in what classes of cases jurors and assessors have been principally employed.

APPENDICES TO PART II;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1882, with the cost of tribunals.

NAME OF PROVINCE.		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
							Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of sub-district Courts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs. A. P.	Rs. A. P.	
PROVINCE OF BRITISH BURMA. Territory subject to the Chief Court or the Judicial Commissioner's Court....	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Criminal ...	87,175	3,602,595	4	18	33	1	5	18	33	95	21,313	918	1,202	...	3,11,278 12 6	7,81,896 0 0	
	Total ..	87,175	3,602,595	4	18	33	1	5	18	33	95	21,313	918	1,202	...	*3,11,278 12 6	*7,81,896 0 0	*This includes Civil and Criminal under orders contained in Resolution No. 24-1552—62, dated 20th October 1882.

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.*	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.†	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	1	1	1	7	7	...	...	...	
Do. relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Do. against the public tranquillity, do. VIII	489	457	447	2,350	726	1,515	10	99	
Do. by, or relating to, public servants, do. IX	87	82	83	124	65	54	3	2	
Contempts of the lawful authority of public servants, Chapter X	148	137	144	244	131	105	3	5	
False evidence and offences against public justice, do. XI	302	295	286	369	144	217	9	6	13 committed.
Offences relating to coin and Government stamps, do. XII	16	12	10	13	8	5	...	...	
Do. relating to weights and measures, do. XIII	12	9	11	13	5	8	...	...	
Do. affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,419	1,285	1,221	2,236	774	1,446	2	13	
Do. relating to religion, Chapter XV	10	8	8	12	5	7	...	...	
Offences affecting the human body, Chapter XVI ... ... — Offences affecting life	527	421	291	484	179	96	3	28	176 committed.
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births ...	7	4	1	3	3	...	...	...	
Hurt	2,444	2,026	1,975	3,269	1,453	1,715	25	52	24 committed.
Wrongful restraint and wrongful confinement	81	72	64	121	58	63	...	...	
Criminal force and assault	2,508	2,325	2,647	3,933	2,294	1,571	11	57	
Kidnapping, forcible abduction, slavery, and forced labour	109	60	55	74	51	22	...	...	1 committed.
Rape	130	47	43	46	34	8	...	2	2 ditto.
Unnatural offence	9	6	6	17	2	2	...	...	13 ditto.
Offences against property, Chapter XVII — Theft	11,603	8,823	5,183	6,855	2,585	4,162	28	66	14 ditto.
Extortion	48	43	41	78	30	46	...	2	
Robbery and dacoity	331	243	170	375	134	141	3	6	91 ditto.
Criminal misappropriation of property	248	231	187	249	107	136	3	3	
Criminal breach of trust	255	208	168	205	103	97	...	3	2 ditto.
Receiving stolen property	405	399	377	556	237	309	3	7	
Cheating	151	114	141	193	115	71	1	6	
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	
Mischief	635	493	378	632	390	216	1	23	3 committed.
Criminal trespass	1,663	1,379	1,018	1,507	776	684	8	36	3 ditto.
Offences relating to documents and to trade or property marks, Chapter XVIII ...	10	9	10	19	8	8	...	1	2 ditto.
Criminal breach of contracts of service, do. XIX ...	19	17	17	27	12	15	...	...	
Offences relating to marriage, do. XX ...	94	84	79	92	65	17	...	3	7 committed.
Defamation, do. XXI ...	86	84	84	109	79	27	1	2	
Criminal intimidation, insult, and annoyance, do. XXII ...	1,447	1,321	1,449	1,780	1,156	586	8	30	
Offences under special and local laws	4,964	4,331	4,432	8,229	2,063	6,026	57	83	
Total ...	30,318	25,024	21,047	34,240	13,799	19,375	179	534	353 committed.

* That is, the total of columns 5 to 9.
† Persons transferred from one Court to another *in the same province* are not to be entered in this column.

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of miscellaneous proceedings under the Criminal Procedure Code in the province of British Burma, exclusive of the town of Rangoon, during 1882.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209	4	4	1	3	
2. Proceedings against witnesses under Chapter XXVI	3	3	2	1	
3. Forfeiture of bail or recognizance under Chapter XXVIII	42	78	23	54	1 died, escaped, or transferred.
4. Non-attendance of jurors or assessors, Chapter XXIX, section 414	...	...	...	...	
5. Contempts of Court under Chapter XXXII	25	31	4	27	
6. Proceedings under Chapter XXXVII to prevent breach of the peace	92	244	56	188	
7. Security for good behaviour under Chapter XXXVIII	577	713	269	441	2 died, escaped, or transferred. 10 remaining under trial.
8. Proceedings against local nuisances, Chapter XXXIX	18	24	4	20	
9. Possession, Chapter XL	5	6	5	1	
10. Maintenance, Chapter XLI	166	171	70	100	1 remaining under trial.
Total ...	932	1,274	423	835	3 died, escaped, or transferred. 11 remaining under trial.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF COURTS.	Total number of persons under trial.‡	PERSONS WHOSE CASES WERE DISPOSED OF					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.§	Average number of days during which each case lasted.	Number of witnesses examined.	*REMARKS.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 42 ...	81	...	28	46	...	...	7	66	14	109	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Magistrates sitting singly..	28,410	155	11,890	14,154	1,613	216	382	17,196	6	63,039	
Subordinate Magistrates... Benches of Honorary Magistrates ...	2,537	4	698	1,252	512	...	71	1,676	4	2,830	
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	325	3	95	221	1	...	5	237	3	192	
Chief Magistrates of districts	2,887	17	1,088	1,172	404	137	69	1,784	6	9,400	
Courts of Sessions*	509	4	153	318	...	...	34	330	46	1,762	
Superior Courts†	29	...	3	25	...	...	1	24	96	...	
Total ...	34,778	183	13,955	17,188	2,530	353	569	21,313	16	77,332	

* Includes cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 263 and 287, Criminal Procedure Code.
‡ That is, the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the end of the year if not decided.
§ Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the punishments inflicted by the various criminal tribunals in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																		
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or surveies for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.‡	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above 7 years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Subordinate Magistrates. Special Magistrates under section 42 ...	...	...	...	...	...	11	35	...	...	...	19	13	3	...	...	...	1,460 0 0	1,460 0 0	220 0 0	...	...	...	...	...	...	...	...	...
Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly ...	...	...	...	4,777	145	...	10,646	613	399	130	6,922	3,272	345	102	5	...	1,75,343 15 6	1,33,731 11 0	19,117 0 0	738	3429	759	8	...	170	364	79	4
Benches of Honorary Magistrates ...	...	...	...	81	8	...	1,682	4	...	...	1,496	181	5	...	...	...	6,857 8 0	6,550 5 0	205 8 0	38	51	...	...	...	1	3	...	...
District and Divisional Magistrates' cases referred under section 46, Criminal Procedure Code	...	...	...	192	2	...	27	18	...	...	4	9	11	3	...	...	3,051 0 0	1,200 0 0	75 0 0	2	44	140	8	...	2	8	8	...
Chief Magistrates of districts.	...	15	...	969	37	...	651	77	127	53	336	226	51	36	2	...	23,729 1 0	13,500 0 6	1,689 14 9	73	332	337	264	...	19	25	33	1
Courts of Sessions* ...	24	34	...	256	1	...	5	...	...	...	...	3	1	1	...	...	400 0 0	50 0 0	.....	1	8	21	203	24	...	...	...	...
Superior Courts†	18	7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Total ...	42	56	...	6,275	193	11	13,046	712	526	183	8,777	3,704	416	142	7	...	2,10,841 8 6	1,56,492 0 6	21,307 6 9	847	3857	1257	483	24	192	400	120	5

* Includes cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 263 and 287, Criminal Procedure Code.
‡ Includes fines realized during the year, though imposed in previous years.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing whippings inflicted under sections 2 and 3, Act VI of 1864 in lieu of other punishment in the province of British Burma, exclusive of the town of Rangoon, for the year 1882.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.												Total.	Remarks
	5 and under.		6 to 10.		11 to 16.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
In lieu of other punishment ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
(Sections 2 and 3, Act VI, 1864) ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
1.—Theft as defined in — section 378, I. P. C.	4	...	72	...	40	1	38	2	8	...	5	5	175	
1.—Theft as defined in — section 380, do. ...	11	...	54	1	120	1	84	1	17	1	17	3	310	
1.—Theft as defined in — section 381, do. ...	...	...	...	...	5	...	2	...	1	...	2	...	10	
1.—Theft as defined in — section 382, do. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2.—Extortion as defined in — section 388, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...	
2.—Extortion as defined in — section 389, do ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3.—Dishonestly receiving stolen property as defined in — section 411, I. P. C.	...	...	3	...	1	...	1	...	4	...	3	...	12	
3.—Dishonestly receiving stolen property as defined in — section 412, do. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4.—Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	...	...	...	...	...	...	
5.—Lurking house trespass by night as defined in section 444 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6.—Housebreaking as defined in section 445...	...	...	...	...	...	...	...	...	...	...	...	...	...	
7.—Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	...	...	...	...	...	...	
8.—Offence under section 14, Act III, 1880	...	...	...	...	1	...	...	...	...	...	...	...	1	
												Total ...	508	

NOTE.—Includes juveniles punished under any of these heads.

PART II.

Statement showing whippings inflicted in addition to other punishments under sections 3 and 4, Act VI of 1864, in the province of British Burma, exclusive of the town of Rangoon, for the year 1882.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.							Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	
1	2	3	4	5	6	7	8	
In addition to other punishment	...	...	...	...	...	...	...	
(Sections 3 and 4.)								
A.—section 3.								
1.—Theft as defined in ... ... — section 378, I. P. C. ...	1	6	...	6	2	1	16	
1.—Theft as defined in ... ... — section 380, do. ...	...	8	20	14	1	31	74	
1.—Theft as defined in ... ... — section 381, do. ...	...	...	...	...	...	...	...	
1.—Theft as defined in ... ... — section 382, do. ...	...	...	...	...	...	...	...	
2.—Extortion as defined in ... ... — section 388, do. ...	...	...	...	...	...	...	...	
2.—Extortion as defined in ... ... — section 389, do. ...	...	...	...	...	...	...	...	

PART II.

Statement showing whippings inflicted in addition to other punishments under sections 3 and 4, Act VI of 1864, in the province of British Burma, exclusive of the town of Rangoon, for the year 1882—(concluded).

Offences for which awarded.	Number of stripes.						Total.	Remarks
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	
3.—Dishonestly receiving stolen property as defined in section 411, I. P. C. ...	...	1	...	2	...	1	4	
3.—Dishonestly receiving stolen property as defined in section 412, do. ...	...	...	...	...	...	...	...	
4.—Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night as defined in section 444 ...	...	...	...	...	...	...	...	
6.—Housebreaking as defined in section 445	...	...	...	...	...	...	...	
7.—Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	
8.—Offence under section 14, Act III, 1880	...	...	...	...	...	...	...	
B.—section 4.								
1.—False evidence as defined in ... ... section 193, I. P. C. ...	...	...	...	...	...	...	...	
1.—False evidence as defined in ... ... section 194, do. ...	...	...	...	...	...	...	...	
1.—False evidence as defined in ... ... section 195, do. ...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence as defined in sections 211 and 377	...	...	..	...	...	...	...	
3.—Assault as defined in section 354	1	...	...	...	...	...	1	
4.—Rape as defined in section 375	...	...	...	...	...	...	..	
5.—Unnatural offence as defined in section 377	1	...	...	...	...	...	1	
6 –Robbery as defined in section 390	...	...	...	...	...	1	1	
7.—Dacoity as defined in section 391, I. P. C.	...	...	...	...	...	..	...	
8.—Attempt at robbery as defined in section 393	...	...	...	...	...	...	...	
9.—Hurt in committing robbery as defined in section 394	...	...	...	...	1	...	1	
10.—Receiving stolen property as defined in section 413	...	...	...	.	...	...	...	
11.—Forgery as defined in ... ... section 463, I. P. C. ...	...	...	...	...	..	...	...	
11.—Forgery as defined in ... ... section 466, do. ...	..	...	...	...	..	...	...	
11.—Forgery as defined in ... ... section 467, do. ...	...	...	...	...	...	...	...	
11.—Forgery as defined in ... ... section 468, do. ...	...	...	...	...	...	...	...	
11.—Forgery as defined in ... ... section 469, do. ...	..	...	...	...	...	...	...	
12.—Lurking house-trespass as defined in section 443	...	...	...	...	..	...	...	
13.—Lurking house-trespass by night as defined in section 444 ...	...	...	...	...	...	...	..	
14.—Housebreaking as defined in section 445	..	...	...	1	...	2	3	
15.—Housebreaking by night as defined in section 446 ...	...	...	...	...	...	...	...	
						Total ...	101	

Note.—Includes juveniles punished under any of these heads.

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in the province of British Burma, exclusive of the town of Rangoon, for the year 1882.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Theft as defined in section 379, I. P. C.	7	...	14	...	34	...	19	1	3	...	11	...	89	
Criminal misappropriation of property, section 403, I. P. C. ...	1	...	...	...	...	...	...	...	...	...	...	...	1	
Voluntarily causing hurt, section 321, I. P. C.	1	...	...	...	...	...	...	...	...	...	...	...	1	
Hurt, section 324, I. P. C. ...	...	...	1	...	1	...	...	...	...	...	...	...	2	
Hurt, section 323, I. P. C. ...	2	...	...	...	2	...	...	...	...	...	...	...	4	
Criminal breach of trust, section 406, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Mischief, section 429, I. P. C. ...	..	...	1	...	...	...	...	...	...	...	...	...	1	
Housebreaking, section 448, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Lurking house-trespass, section 456, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Affray, section 160, I. P. C. ...	..	...	...	...	1	...	...	...	...	...	...	...	1	
Lurking house-trespass, section 354, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1	
												Total ..	103	

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments in the province of British Burma, exclusive of the town of Rangoon, for the year 1882.

Punishment.	Number.	Remarks
1	2	3
1.—Total number of whippings awarded*	712	
2.—Total number of other punishments†	19,146	
Percentage of whipping ...	3·72	

* Total of column 14, Parts I and III, and of column 8, Part II.

† Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the result of appeal and revision in criminal cases in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

TRIBUNALS.	NUMBER OF PERSONS.											AVERAGE NUMBER OF DAYS DURING WHICH EACH APPEAL LASTED.	REMARKS.
	Total number of appellants and applicants for revision before the Courts.†	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts *	478	1	19	194	7	101	122	8	.....	.....	26	7	
To Courts of Sessions	752	1	241	241	12	35	164	.....	.....	.....	47	14	10 not appealable. 1 struck off.
To Superior Courts { By persons convicted	278	.....	108	98	4	16	37	.....	.....	.....	15	29	
To Superior Courts { By Government from judgments of acquittal	4	.....	.....	1	.....	.....	2	.....	1	.....	.....	168	
Total ...	1,512	2	368	534	23	152	325	8	1	.....	88	55	10 not appealable. 1 struck off.
Revision.													
By Chief Magistrates of districts	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	8	
By Courts of Sessions	11	.....	3	.....	.....	.....	.....	.....	2	5	1	9	
By Superior Courts	55	.....	14	28	.....	5	6	.....	.....	.....	2	15	
Total ...	67	.....	17	28	.....	5	6	.....	2	6	3	11	
GRAND TOTAL ...	1,579	2	385	562	23	157	331	8	3	6	91	33	10 not appealable. 1 struck off.

* Or other Magistrates authorized to hear appeals under section 266, Criminal Procedure Code.
† That is, the total of columns 3 to 12. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of juries and assessors in the criminal courts in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.		Established or average number of jury or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			REMARKS.*
					Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons the verdict in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differed from		
						Wholly.	Partially.	Whose cases he referred under section 263, C. P. C.	Whose cases he did not refer under section 263, C. P. C.		One assessor.	Both assessors.	
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Court of districts (or officer specially empowered) acting under Act X of 1870	Assessors ...	...	...	...	...		...	...	...	...	...	...	
II.—Criminal Courts.													
Magistrates' Courts under Chapter XXXIX, C. P. C.	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	*Note.*—In Sessions trials, only juries and assessors have been principally employed.
Courts of Sessions	Jurors ...	5	22	...	22	...	...	...	...	...	...	...	
	Assessors ...	2 & 3	...	154	...	...	...	...	...	113	3	38	
	Total ...	5, 2 & 3	22	154	22		...	...	...	113	3	38	

*Note in what classes of cases juries and assessors have been principally employed.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1883.

RANGOON:
PRINTED AT THE GOVERNMENT PRESS.

1884.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1883.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 144C., dated the 26th July 1884.

READ—

Reports on the Administration of Criminal Justice in British Burma during the year 1883.

RESOLUTION.—*General Results.*—The details of the statistics of crime and the causes of the increase in the number of offences which occurred during the year as compared with the number in 1882 have been recently discussed in the Chief Commissioner's Resolution on the Police Administration Report. Enquiries with a view to early action are being made regarding the explanations given by some officers for the increase in crime.

The number of cases returned as true increased from 30,145 in 1882 to 33,784 in the year under review. These figures include non-cognizable cases and also cases taken direct to Court without the intervention of the police. Of these cases 28,820, or 85·3 per cent., were brought to trial. This proportion is almost exactly the same as the corresponding proportion in the previous year. In the work of the Courts there was a marked increase in 1883. The number of original cases disposed of increased from 26,230 to 29,838 and of persons under trial from 41,630 to 46,739. Of the total number of persons under trial 17,870, or 38·2 per cent., were acquitted or discharged and 27,399, or 58·6 per cent., convicted. These figures are a very slight improvement on those of the previous year. If the number of persons released on appeal and revision be reckoned, the proportion of acquittals is raised to nearly 40 per cent. During the past year the obligation laid upon Magistrates of taking an early and active part in the investigation of offences was clearly stated by the Chief Commissioner, and Mr. Jardine's remarks on this point are commended to the attention of District Officers. The Chief Commissioner is aware that in many districts Magistrates are actively carrying out those orders; and it is hoped the good effect of this action will shortly be felt.

2. *Work of the Magistrates' Courts.*—The Magistrates' Courts disposed of the great bulk of the criminal work of the year, 29,211 cases falling to their share as compared with 25,801 in 1882. Of these District Magistrates disposed of 2,632, or 9 per cent. of the total number; Honorary Magistrates of 2,925, or 10 per cent.; and subordinate stipendiary Magistrates of 23,180, or more than 79 per cent. The work of the District Magistrates increased, particularly in Rangoon,

where the Deputy Commissioner disposed of 465 cases as compared with 16 cases in the previous year. Of 4,020 persons under trial before District Courts 2,327, or 57·9 per cent., were convicted as compared with 1,592, or 54·76 per cent., in 1882. The proportion of persons convicted by the subordinate stipendiary Magistrates was 59 per cent., a proportion almost identical with the corresponding proportion in the previous year. The Judicial Commissioner expresses satisfaction with the work of the Honorary Magistrates. No mention is made in the report under review of the manner in which the summary jurisdiction of Magistrates was worked or the nature and extent of the supervision to which it was subjected. The number of persons convicted on summary trial increased from 7,294 in 1882 to 7,540 in the past year. The Chief Commissioner trusts that District Magistrates devote some attention to supervising this branch of their subordinates' work.

3. *Courts of Session.*—Partly no doubt in consequence of the instructions issued by the Judicial Commissioner requiring Magistrates to commit serious cases to the Sessions Court for the purpose of securing the adequate punishment of offenders, the work of the Sessions Court increased to a very marked extent. Exclusive of cases tried by the Recorder of Rangoon and the Judge of Moulmein, the number of cases disposed of by Sessions Judges was 307 in the past year as compared with 154 in 1882; and the number of persons under trial increased from 299 to 494. These figures do not include cases referred by District Magistrates for confirmation by the Sessions Judges. The increase occurred in every division except Tenasserim, but was most marked in Irrawaddy, where Mr. Hodgkinson disposed of 164 cases as compared with 42 in the previous year. That many cases are committed to Sessions which should be tried by District Magistrates in the exercise of their enlarged powers is perhaps indicated by the fact that in 46·9 per cent. of the cases in which Courts of Session awarded transportation or imprisonment, sentences of imprisonment for terms not exceeding seven years were inflicted. While concurring generally with Mr. Jardine in holding that serious cases should be tried by Courts competent to award exemplary punishment for heinous crimes, the Chief Commissioner suggests that there is at least an equal necessity for the exercise of care that cases are not sent to the higher Courts which might as well be decided by Magistrates. As long as District Magistrates exercise enlarged powers in criminal cases it is intended that they should employ them for the prompt local disposal of cases and for the relief of Divisional Commissioners. Of persons committed for trial 399, or 60·36 per cent., were convicted and 213, or 32·22 per cent., acquitted. The proportion of persons acquitted to persons actually tried varied from 13·3 per cent. in Arakan to 41·4 per cent. in Pegu. The general average of convictions is lower than in the previous year, but in the Pegu division the percentage of convictions has increased. Including cases referred by District Magistrates for confirmation, 597 cases were disposed of as compared with 403 in the previous year. Of 906 persons tried by all Sessions Courts, including persons whose cases were referred, 679, or 74·9 per cent., were convicted. The number of cases disposed of by the Recorder of Rangoon sitting as a Sessions Judge was less than in 1882. Except in Rangoon and Moulmein, sessions cases were tried with the aid of assessors. In 179, or 58·3 per cent., of the cases so tried the Judge agreed with the assessors. In one case in the Court of the Recorder of Rangoon the Judge declined to accept the verdict of the jury and referred the case to the High Court.

4. *Superior Courts.*—Six persons were tried by the Recorder as a High Court and 38 cases were referred to the Special Court and to the Judicial Commissioner for confirmation of capital sentences. The work of the superior Courts as Courts of reference was heavier than in the previous year.

5. *Disposal of Work.*—There was an increase of 17 per cent. in the number of witnesses examined during the year under review as compared with the number in the previous year. The total number amounted to 100,067 as compared with 85,614 in 1882. The following table shows the average duration of cases in the several classes of Courts during the past two years :—

	Subordinate Magistrates.		District Magistrates.		Courts of Session.		High Court.	
	Rangoon.	Province.	Rangoon.	Province.	Rangoon.	Province.	Rangoon.	Province.
1882 ...	1·64	5·82	1·25	6·	27	46	27	36
1883 ...	1·44	8	3	9	37·5	30	65	16

The average duration of cases in the Magistrates' Courts outside of the town of Rangoon was somewhat longer than in 1882, but on the whole the work appears to have been disposed of with reasonable promptitude. It is satisfactory to note that, in spite of the increase in the quantity of work, the number of persons remaining under trial at the close of the year (564) was less than the number at the close of 1882.

6. *Punishments.*—In the review of the Criminal Justice Report for 1882 remark was made on the necessity for inflicting exemplary punishments for the purpose of repressing crime in Burma. In this view the Government of India were pleased to express their concurrence. The Judicial Commissioner was at considerable pains to impress on the Courts a sense of this necessity, especially in dealing with habitual offenders. The statistics of the past year show that these instructions were not without effect. The following table gives the number of sentences passed by the Courts and the proportion of the various kinds of punishments to the total number of persons convicted during the past two years :—

	Number of sentences.		Percentage.	
	1882.	1883.	1882.	1883.
Death	25	38	·1	·14
Transportation	45	202	·18	·72
Rigorous imprisonment ...	7,082	8,986	28·51	32·61
Simple imprisonment ...	205	395	·82	1·4
Forfeiture of property... ...	11	3	·05	·01
Fine	17,349	18,976	69·83	67·6
Whipping	788	900	3·17	3·06

One of the most noticeable points in this statement is the large increase in the number of sentences of transportation. This increase was common to Rangoon and to the provincial Courts. In 1882 the Courts of Session outside of Rangoon sentenced 33 persons to transportation for life and 1 to transportation for a term of years. In 1883 the same Courts sentenced 74 persons to trans-

portation for life and 45 to transportation for a term. The number of sentences of transportation passed by the Recorder of Rangoon increased from 11 to 35. In the whole province, including Rangoon, the number of sentences of imprisonment for periods exceeding seven years was 32 in the year under review as compared with 25 in the previous year. Sentences of imprisonment for terms exceeding two and not exceeding seven years constituted 8·54 per cent. of the total number of sentences of imprisonment as compared with 7·16 per cent. in 1882, while the proportion of sentences of imprisonment for short periods fell from 92·49 per cent. to 91·13 per cent.

Sentences of whipping increased in number, principally in the town of Rangoon. Beyond the limits of the Recorder's jurisdiction the proportion of cases in which whipping was inflicted to the total number of cases in which that form of punishment might legally have been imposed was 3·5 per cent., a little less than in 1882. The Judicial Commissioner has recently drawn attention to the desirability of inflicting the punishment of whipping more frequently, either as a sole punishment or as an additional punishment, in cases where the law so permits. In a case where a young man snatches a wayfarer's turban with some show of violence a whipping might be a better punishment than two years' rigorous imprisonment. Again a whipping in addition to a moderate term of imprisonment might have salutary effect on a young thief who had been already two or three times in jail. The fact that Burma jails are overfull makes it specially important that these instructions of the Judicial Commissioner should receive careful attention.

The amount of fines imposed increased from Rs. 2,35,678 in 1882 to Rs. 2,92,384 in the past year. The average amount of each fine was Rs. 15-6-6 as compared with Rs. 13-9-4 in 1882. The amount realized increased from Rs. 1,76,266 to Rs. 1,98,358; but the proportion of the amount realized to the amount imposed fell from 74·79 per cent. to 67·8 per cent. As the Judicial Commissioner points out, this proportion is not an exact measure of the discretion with which the amount of fine is fixed. But, in so far as it may be taken as an indication of the extent to which fines are imposed in accordance with the means of the offender, the fall in the percentage of realizations is unsatisfactory. The Chief Commissioner commends to the careful consideration of all Judicial Officers Mr. Jardine's remarks on this subject. The decrease in the proportion of fines paid as compensation, from 9·35 per cent. to 8 per cent. of the amount imposed, is especially unsatisfactory in view of the instructions which have from time to time been given on this point.

7. *Miscellaneous Cases.*—Under this head the most important cases are prosecutions under the sections of the Code of Criminal Procedure which deal with the prevention of crime. There was a considerable increase in the number of prosecutions in cases of this kind, the number being 759 in 1882 and 1,481 in 1883. The greater number of these were cases in which persons were called upon to give security for good behaviour. The remarks on this subject in the Resolution on the Criminal Justice Report for 1882, and the special instructions issued in August last, appear to have been of good effect. In the Rangoon Courts there was only a small increase, the numbers being 74 in 1882 and 78 in the year under review. But in the Courts under the supervision of

the Judicial Commissioner the number of cases last year (1,335) was more than double the number (577) in the previous year. Of 1,618 persons called upon to show cause why they should not furnish security for their good behaviour, 1,035, or 63·97 per cent., were finally ordered to give security. In 1882 the number was 505 and the proportion 62·2 per cent.

8. *Appeals.*—The number of appellants increased from 1,596, or 6·53 per cent. of the total number of persons convicted, in 1882 to 2,693, or 9·82 per cent., in the past year. One cause of the increase may be, as the Judicial Commissioner suggests, the withdrawal of the power of enhancing sentences from appellate Courts. It is perhaps likely that the increased severity of punishments contributed to enhance the number of appeals. In 732 cases the appeals were more or less successful. But it is satisfactory that the proportion of successful appeals to the total number presented fell from 30·76 per cent. in 1882 to 27·18 per cent. in the year under review. The proportion of successful appeals to District Magistrates was 45·84 per cent., a slightly lower proportion than in 1882. Of appeals to Sessions Courts, 23·16 per cent. were successful as compared with 26·07 per cent. in the previous year, and of appeals to the High Courts 14·58 per cent. succeeded as compared with 17·97 per cent. in 1882.

9. *Reference and Revision.*—Besides capital sentences referred for confirmation, six cases were referred to the Special Court by the Judicial Commissioner and one by the Recorder. Sitting as a High Court in the exercise of revisional jurisdiction the Judicial Commissioner disposed of the cases of 1,281 persons as compared with 826 in the previous year. In 306 cases, or 23·88 per cent., the order of the lower Court was reversed or modified. The number and proportion are both noticeably lower than in 1882. In 43 cases the sentence was enhanced. In 1882 the number of sentences enhanced on appeal or revision was 31.

By order of the Chief Commissioner,

E. S. SYMES,

Offg. Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1883.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 53 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions, 1 person appealed from the sentence passed by the Court of the Recorder exercising the powers of a High Court, and there were appeals of 2 persons pending from the previous year, making in all 56 persons. The appeals of all 56 persons were disposed of during the year. The following table shows the particulars and the results:—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1883.	Result.			
			Rejected.	Dismissed or sentence confirmed.	Reversed or acquitted.	New trial.
Court of the Recorder of Rangoon exercising the powers of a Court of Sessions	2	53	29	18	1	7
Court of the Recorder of Rangoon exercising the powers of a High Court	...	1	...	1	...	...
Total ...	2	54	29	19	1	7

In consequence of there being a difference of opinion in certain appeals from the sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions, the following points were referred to the High Court of Judicature at Fort William in Bengal under section 80(*b*) of the Burma Courts Act,—whether, in the absence of a pardon duly tendered under section 337 of the Criminal Procedure Code the evidence of an arrested and confessing accomplice was admissible, and if so whether the corroboration as regards some or of all the prisoners charged was sufficient corroboration as against the other prisoners. The High Court decided that the learned Recorder should undoubtedly have made the jury clearly to understand that the corroboration necessary to strengthen an accomplice's evidence should extend to all the prisoners charged; that though they might convict without such corroboration, it was not safe or admissible to do so; but they held that in the language used by the Recorder in his charge, there was sufficient to convey a proper direction to the jury by necessary implication; and so far as the accomplice's evidence affected

the prisoners against whom he spoke, that evidence was admissible, for under the Evidence Act admissibility is the rule and exclusion the exception, and circumstances which might under other circumstances operate to exclude are, under the Act, to be taken into consideration only in judging of the value to be attached to evidence when admitted.

2. In the previous year 24 persons appealed from the sentences passed by the Court of the Recorder of Rangoon in the exercise of its powers of a Court of Sessions.

3. During the year 3 capital sentences, passed by the Recorder of Rangoon as a Court of Sessions, were referred to this Court, under section 60 of the Burma Courts Act, 1875, for confirmation. The sentences in all three cases were confirmed by this Court, but in one case, that of Saw Sine Thibaw Sawbwa, was commuted by the local Government to transportation for life.

4. Besides the above there were 6 references made to this Court by the Judicial Commissioner of British Burma and 1 by the Recorder of Rangoon under section 76 of the Burma Courts Act (XVII of 1875), the particulars of which are as follows:—

(i) In this case three persons were convicted, under section 13 of the Gambling Act (III of 1867), for playing the game known as ti, or 36-animal game, for money in a zayat. All three admit they gambled. The first of them went to the place to declare the winning animal, the second was the banker's clerk, and the third acknowledges he was present to stake money. The case came before the Judicial Commissioner on revision, and as the questions involved were of the utmost public importance, the case was referred to the Special Court for the decision on (1) whether the acts proved come within the intention and words of section 13 of the Gambling Act, and (2) whether those acts are excluded from the operation of section 13 of the Gambling Act by virtue of the later enactment of section 294A of the Indian Penal Code. It was held by the Judicial Commissioner that the acts proved did not fall within the meaning of the Gambling Act, as the ti, or 36-animal game, was not a lottery; the memorandum of acts described as lottery-tickets was wrongly so described, and that all the acts of the accused amounted to mere bets on wagers; then as bets on wagers are not expressly prohibited although they are void as agreements, the acts of the accused were not penal, and therefore the conviction and sentence were bad and should be reversed. The Recorder on the other hand held that playing the ti, or 36-animal game, was gambling, that the memorandum of bets was an instrument for gaming, and that as a zayat was a public place, the accused had been rightly convicted and sentenced under the Gambling Act. Under section 76 of the Burma Courts Act, 1875, the opinion of the referring Judge, the Judicial Commissioner, prevailed.

(ii) In this case a prisoner was tried for murder and robbery and was acquitted of these charges but convicted of abetment of robbery for which he was not charged. The question referred for decision was whether a Court could find a man guilty of the abetment of an offence on a charge of the offence itself failing. It was held that although the proceeding was irregular there was no failure of justice, and that as there was abundance of proof of the abetment the conviction should not be annulled.

(iii) In this case the prisoner was sentenced, under section 363 of the Indian Penal Code, for kidnapping from lawful guardianship a girl under sixteen years of age. As no finding of intention had been recorded by the Magistrate, the questions raised were (1) whether section 366 applied where the kidnapping from lawful guardianship is of a Buddhist girl under sixteen years of age

with the intent of having intercourse with her without any contract or ceremony of marriage first taking place; (2) does the said section apply when a man who kidnaps the said Buddhist girl from lawful guardianship intends to contract a marriage with her or to perform some ceremony of marriage, or otherwise declare that in spite of the lawful guardian's will he considers her to be his wife. It was held that the accused kidnapped the girl with intent to have intercourse with her, and that such intercourse was illicit within the meaning of section 366 of the Indian Penal Code whether he intended to go through a form of marriage before intercourse or not and beyond the cognizance of any ordinary Magistrate.

(iv) The question raised by the Recorder in this case was somewhat similar to that in the first one, namely, whether the game known as ti is a lottery within the meaning of the term used in the first clause of section 294A of the Indian Penal Code. The Recorder held that the accused was rightly convicted by the Magistrate of Rangoon under section 294A of the Indian Penal Code, as the ti game was a lottery within the meaning of the first clause of section 294A of the Indian Penal Code and that the sentence should be maintained. The Judicial Commissioner was of a different opinion. He held that the ti game was only wagering and did not fall within the meaning of the term lottery. The finding of the Recorder, held in this case as the referring Judge in accordance with section 76 of the Burma Courts Act, 1875, prevailed.

(v) The Judicial Commissioner referred this and the next two cases for disposal to this Court, as he entertained some doubts as to the validity of the transfer and the right of the Commissioner of Pegu to try, or the Judicial Commissioner to hear, the appeals on the merits. As there was a difference of opinion on these points, the question has been referred, in accordance with section 80(*b*) of the Burma Courts Act, for the decision of the High Court of Fort William in Bengal.

5. There was also 1 reference made by the Recorder of Rangoon for the decision of this Court under section 307 of the Criminal Procedure Code, the particulars of which are as follows:—

The prisoner in this case was tried for theft before the Recorder of Rangoon exercising the powers of a Court of Sessions and was by a majority of the jury acquitted against the weight of evidence. The Recorder disagreeing with the verdict of the jury sent up the case for disposal. It was held that there was not the slightest reason to doubt the guilt of the prisoner. The finding of the majority of the jury was therefore reversed and the prisoner convicted.

RANGOON:
The 4th March 1884.

JOHN JARDINE,
C. F. EGERTON ALLEN,
Judges of the Special Court of British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Court of the Recorder and in the Courts of the Magistrates of the Rangoon Town District for the year 1883.

THERE were 63 cases committed to this Court as a Court of Sessions and 4 cases as a High Court.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year:—

By whom committed.	1882.			1883.		
	As a Court of Sessions.	As a High Court.	Total.	As a Court of Sessions.	As a High Court.	Total.
Extra Assistant Commissioner (1st class powers) ...	...	...	...	2	...	2
Assistant Town Magistrate, Rangoon Town District ...	78	2	80	43	2	45
District Magistrate, Rangoon Town District	...	...	...	18	...	18
Cantonment Magistrate, Thayetmyo	...	1	1	...	1	1
District Magistrate, Shwegyin	...	...	...	...	1	1
Total ...	78	3	81	63	4	67

3. There were 7 cases pending from the previous year, thus making 74 cases in all for trial during the year: of these 70 cases were disposed of, 1 remained pending at the close of the year, and three cases of dacoity were transferred by the Chief Commissioner at the request of the Recorder, under section 178 of the Criminal Procedure Code, to the Sessions divisions of Pegu.

4. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Sessions and as a High Court:—

Number of persons		
Convicted.	Acquitted.	Pending.
92	44	1

5. The following table shows the different punishments inflicted :—

	Persons sentenced to						Detail of punishment.									
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.			
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Fine with imprisonment.	Acquitted.
													Rs.	Rs.		
Recorder's Court exercising the powers of a High Court	1	...	..	2	..	..	...	..	2	.	...	...	...	...	..	3
Recorder's Court exercising the powers as a Court of Sessions	3	9	26	49	1	1	2	1	11	...	31	5	300	...	3	41
Total ...	4	9	26	51	1	1	2	1	13	...	31	5	300	..	3	44

6. Three capital sentences passed by this Court as a Court of Sessions were confirmed by the Special Court, but in one case the sentence was commuted by the local Government to one of transportation for life. In the other case the capital sentence passed by this Court as a High Court was commuted to one of transportation for life by the High Court of Calcutta.

7. In one case the Recorder disagreed with the verdict of a majority of a jury and referred the case to the Special Court under section 307 of the Criminal Procedure Code.

8. Fifty-four persons convicted and sentenced by the Recorder appealed to the Special Court. Of these the appeals of 27 persons were rejected, the sentences of 19 were confirmed, the sentence of 1 reversed, and the case against the remaining 7 persons was ordered to be retried.

9. The appeals of 2 persons which were pending at the close of the year 1882 were rejected.

10. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate and the Assistant Magistrate of the Rangoon Town district together with the results :—

Magistrates from whose decisions appealed.	Number of persons who appealed.	Result.							
		Rejected.	Confirmed.	Modified.	Reversed.	New trial.	Quashed.	Pending.	Transferred.
District Magistrate	38	17	6	4	7	2	1	1	...
Assistant Magistrate	119	48	15	6	28	18	...	2	2
Total ...	157	65	21	10	35	20	1	3	2

11. In exercise of its powers of superintendence and revision as a High Court this Court called for 2 cases from the Court of the Assistant Magistrate and for 3 cases decided by the Bench of Honorary Magistrates. Of the former in 1 case the sentence was reversed, while the other was not interfered

with. In the cases from the latter Court certain irregularities were pointed out. Besides the above the District Magistrate sent up the following cases for revision, namely, 2 cases decided by the Assistant Magistrate, Rangoon Town district, 3 by the Extra Assistant Commissioner, and 2 by the Bench of Honorary Magistrates. The findings and sentences by the Assistant Magistrate of Rangoon Town district were not interfered with. In the cases tried by the Extra Assistant Commissioner the finding and sentence in 1 case was reversed, and in 1 the sentence was enhanced and in the other modified; and the findings by the Bench of Honorary Magistrates were reversed in the two cases.

12. There were five applications made during the year by the Government Advocate on behalf of the Government against the findings and sentences of the District Magistrate, Assistant Magistrate, and the Extra Assistant Commissioner.

The Magistrates' Courts.

13. The following table shows the number of offences, bailable and non-bailable, reported and the number of persons brought to trial, convicted, and acquitted during the year in the Rangoon Town district as compared with the year 1882:—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1882 ...	1,023	4,537	5,560	4,842	7,390	2,226	5,057	98	...	2	7
1883 ...	1,663	5,055	6,718	5,714	8,645	2,747	5,703	148	...	5	42
Increase ...	640	518	1,158	872	1,255	521	646	50	...	3	35
Decrease ...	...	...	...	...	...	...	...	...	...	...	...

14. There is an increase of 1,158 offences reported, 1,255 persons brought to trial, and 646 convicted. Captain Adamson reports that it is impossible for him to give any explanation of the causes which have led to the increase as he took charge of the Rangoon Town district after the close of the year under report. But it appears to me that the cause of the increase or decrease of crime is a matter for the police to explain and not within the scope of this report.

15. The following table shows the number and the result of non-bailable cases for the year in comparison with 1882:—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1882	1,023	667	746	171	486
1883	1,663	825	1,024	275	596
Increase	640	158	278	104	110
Decrease	...	...	...	...	...

16. The following table shows the percentage of detection to the cases reported on non-bailable offences as compared with the year 1882 :—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1882	1,023	486	47·50
1883	1,663	596	57·22

17. The following table shows the number of offences against property with violence as compared with the year 1882 :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1882.	1883.	1882.	1883.	1882.	1883.
Dacoity	9	18	2	18	4	76
Robbery	15	38	10	28	14	25
Extortion	3	6	3	3	1	1
Total ...	27	62	15	44	19	102

18. In 1881 there were 2 dacoities, 2 robberies, and 3 cases of extortion, and these offences have increased in 1882 to 9, 15, and 3 respectively, but in the year of report they have just doubled that number. It is satisfactory however to find that a good percentage of them has been brought to trial.

19. The following is a table showing the offences against property without violence as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1882.	1883.	1882.	1883.	1882.	1883.
Housebreaking with theft	38	46	35	39	25	33
Theft	867	1,349	503	555	430	493
Receiving stolen property	34	46	34	46	30	32
Total ...	939	1,441	572	640	485	558

20. The following statement shows the details of violent crime as compared with the previous year :—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1882.	1883.	1882.	1883.	1882.	1883.
Murder	8	5	8	5	8	5
Attempt at murder	2	9	1	9	1	10
Culpable homicide	1	3	1	3	1	...
Grievous hurt	21	41	18	29	19	17
Grievous hurt on sudden provocation... ...	5	3	5	3	3	5
Hurt	107	105	107	105	118	82
Hurt with dangerous weapon	29	25	29	25	19	18

21. The subjoined table classifies the petty offences for the last three years :—

Offences.	1881.	1882.	1883.
Assault	620	933	908
Insult and criminal intimidation	381	211	258
Creating a disturbance under Indian Penal Code	17	34	52
Nuisance (Police Act, section 34)	1,571	902	1,117
Breaches of local rules	682	1,051	1,288
Drunk and disorderly (Act V of 1866)	516	590	725

Nuisance cases under the Police Act and prosecutions for breaches of local rules have increased. Captain Adamson says that such prosecutions must increase in a rapidly growing town, and he is of opinion that many more prosecutions should be instituted or that much heavier fines should be imposed on persons being convicted. He also says that many of the municipal byelaws for some reason or other are habitually disregarded in the town of Rangoon.

22. The following table shows the work performed by the several Magistrates, the results of trials held before them, and the state of their files at the close of the year :—

Class of tribunals.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	
							In custody.	On bail or recognizance.
District Magistrate, 1st class powers — Bailable ...	387	36	7	256	2	1	...	15
District Magistrate, 1st class powers — Non-bailable	209	* 5	115	106	48	1	4	...
Total ...	596	41	122	362	50	2	4	15
Assistant Magistrate, 1st class powers — Bailable ...	4,889	63	828	3,974	7	1	7	9
Assistant Magistrate, 1st class powers ... Non-bailable	745	18	184	450	89	2	7	...
Total ...	5,634	76	1,012	4,424	96	3	14	9
Extra Assistant Commissioner, 1st class powers — Bailable ...	270	26	90	154	...	...	...	...
Extra Assistant Commissioner, 1st class powers — Non-bailable	67	5	22	38	2	...	...	...
Total ...	337	31	112	192	2	...	...	...
Bench of Honorary Magistrates, 2nd class powers. — Bailable ...	2,075	822	530	723	...	...	...	...
Bench of Honorary Magistrates, 2nd class powers. — Non-bailable	3	...	1	2	...	...	...	...
Total ...	2,078	822	531	725	...	...	...	...
GRAND TOTAL ...	8,645	970	1,777	5,703	148	5	18	24

23. The following table shows the punishments inflicted by the different Magistrates:—

Class of tribunals.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.									
	Solitary confinement.	Simple.	Rigorous.	Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A.	Rs. A.	Rs.
District Magistrate ...	5	1	182	155	39	...	20	973 12	687 8	250
Assistant Magistrate ...	18	220	624	3,521	73	9	50	36,158 5	27,025 4	1,298
Extra Assistant Commissioner	...	...	45	138	9	2	8	2,129 8	836 8	15
Bench of Honorary Magistrates	...	1	7	716	1	...	...	3,488 0	3,844 0	189
Total ...	23	222	858	4,530	122	11	78	42,749 9	31,393 4	1,702

24. The percentage of fines realized in the several Courts is about 73 on the amount of fines imposed, which goes to show that the fines were not unreasonably heavy and not beyond the means of the offenders who were thus punished.

25. The following table shows the detention of witnesses and the average duration of cases:—

Class of tribunals.	Number of witnesses discharged.				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	859	864	46	27	1¼	8
Assistant Magistrate	5,657	343	95	33	1¼	1¼
Extra Assistant Commissioner ...	436	16	5	...	...	6¼
Bench of Honorary Magistrates ...	4,322	25	15	...	1¼	1
Total ...	11,274	748	161	60	...	...

The detention of witnesses is long, but the Deputy Commissioner says it is due to the insufficient number of Magistrates and the cases having to be put off from day to day.

26. The subjoined table shows the nationalities of persons brought to trial during the last three years in the Magistrates' Courts:—

Nationalities.	1881.	1882.	1883.
Burmese	3,403	2,076	2,645
Chinese	367	226	296
Natives of Bengal and Upper India	1,618	461	1,058
Madrassis	4,674	3,051	3,784
Chittagonians	899	1,257	498
Europeans and Eurasians...	344	319	364
Total ...	10,805	7,390	8,645

27. The following is a statement of shipping casualties investigated by order of the Chief Commissioner under the Act, IV of 1875, and the Rangoon Pilot Rules:—

Number.	Subject.
1	Relative to the grounding of the British ship *Sierra Parima.*
2	Relative to the grounding of the S.S. *Merton Hall* on the Pazundaung bar while in pilotage charge of Mr. Pennystone.
3	Relative to the collision between the ships *Grampian* and *Maracus* while the former vessel was in pilotage charge of Mr. McGregor.
4	Relative to a charge against Mr. Pilot McGregor.
5	Relative to the grounding of the S.S. *Purulia* on the Chowkey lumps.
6	Relative to the grounding of the German barque *Constanze* while in pilotage charge of Mr. Lefevre.
7	Relative to the grounding of the barque *Fortunato* between the Outer Black and Fairway buoys.
8	Relative to a charge against Pilot Burket Ali with disobedience of lawful orders, having left the pilot-vessel *Guide* and come to Rangoon.
9	Relative to the sinking of a cargo-boat by the S.S. *Satara* while proceeding up the river under charge of Mr. Licensed Pilot McPhee.

28. During the year the following officers presided over the different Courts:—

DEPUTY COMMISSIONERS.

Major Poole, from 1st January to 3rd March; Mr. Irwin, from 3rd March to 30th April; Major Spearman, from 2nd May to 31st December.

ASSISTANT COMMISSIONERS.

Mr. Irwin, from 1st January to 2nd March; Mr. Campbell, from 3rd March to 30th April; Mr. Irwin, from 1st May to 12th November; Mr. Eales, from 13th November to 31st December.

EXTRA ASSISTANT COMMISSIONER.

Maung Tôke Gyi, from 23rd February to 26th June.

29. In addition to these three Courts the Court of the Honorary Magistrates has sat twice a week regularly throughout the year.

30. From February till June an Extra Assistant Commissioner held his Court at Kemmendine, but as he had not much work to do the Court was closed, and from that time to the end of the year all the work was done by the District Magistrate and Assistant Magistrate assisted by the Honorary Magistrates. Captain Adamson observes, considering that the District Magistrate was also Deputy Commissioner and President of the Municipality, and it was absolutely impossible that he could efficiently perform his judicial work, that since the commencement of this year the local Government have recognized this and an extra Magistrate with 2nd class powers has been brought to Rangoon.

31. With regard to the Honorary Magistrates, the Bench almost always consisted of two Magistrates only and some of them appear to have been very regular in their attendance, whilst others rarely attended; but Captain Adamson says that, so far as he can judge, they are doing their work fairly and conscientiously.

RECORDER'S COURT,
RANGOON:
The 25th June 1884.

W. F. AGNEW,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From JOHN JARDINE, Esq., Bo. C.S., Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 776-1, dated the 10th April 1884.

I HAVE the honour to submit the annual report on criminal justice in British Burma (exclusive of the jurisdiction of the Recorder of Rangoon) for the year 1883 with returns of statistics.

2. The following tables, A and B, show the number and nature of offences reported during the year, the number of persons brought to trial, convicted, and acquitted, as compared with similar results for the preceding year. From these tables all the miscellaneous proceedings under the Criminal Procedure Code shown in Judicial statement No. 3 have been excluded :—

A.

Division.	District.	Number of offences reported.		Number of persons brought to trial.		Acquitted or discharged.		Convicted.		Proportion of convictions to number of persons brought to trial.	
		1882.	1883.	1882.	1883.	1882.	1883.	1882.	1883.	1882.	1883.
ARAKAN ...	Akyab	2,323	1,009	1,988	2,168	759	740	1,201	1,339	60·41	61·76
	Kyaukpyu	1,649	1,404	1,388	1,239	449	464	875	733	63·04	59·45
	Sandoway	643	598	575	478	103	209	407	267	70·78	55·86
	Northern Arakan ...	16	18	16	22	8	8	13	10	81·25	45.45
	Total ...	4,631	4,072	3,967	3,901	1,374	1,421	2,496	2,349	62·91	60·22
PEGU ...	Hanthawaddy ...	2,817	1,218	3,275	1,756	1,631	828	1,488	896	45·43	50.17
	Pegu		1,647		2,165		898		1,119		51·93
	Tharrawaddy ...	2,702	2,834	2,759	2,867	1,343	1,223	1,336	1,488	48·42	51·90
	Prome	3,962	4,091	4,164	4,293	1,694	1,495	2,307	2,648	57·56	62·56
	Total ...	9,481	9,790	10,198	11,041	4,668	4,444	5,221	6,151	51·19	55·71
IRRAWADDY ...	Henzada	2,512	3,783	3,420	4,026	1,236	1,284	2,083	2,622	60·90	65·13
	Bassein	2,699	3,332	3,771	4,354	1,588	1,868	2,020	2,365	53·56	54·34
	Thôngwa	1,916	2,602	2,641	3,428	1,155	1,462	1,429	1,882	54·10	54·90
	Thayetmyo	1,911	1,750	2,065	1,866	739	736	1,243	1,025	60·19	54·93
	Total ...	8,978	11,467	11,897	13,674	4,721	5,372	6,775	7,894	56·94	57·73
TENASSERIM ...	Amherst	1,422	1,360	1,699	1,743	685	761	914	884	53·79	50·72
	Shwegyin	1,667	1,763	1,777	1,938	735	864	999	1,035	56·21	53·54
	Toungoo	1,473	1,471	1,522	1,479	629	746	872	699	57·29	47·26
	Tavoy	463	341	458	316	164	106	289	204	63·10	64·56
	Mergui	399	436	454	546	90	143	360	401	79·29	73·44
	Salween	44	57	62	82	16	28	45	53	72·58	64·63
	Moulmein	1,760	2,479	2,206	3,379	747	1,238	1,404	2,026	63·64	59·96
	Total ...	7,228	7,907	8,178	9,478	3,036	3,886	4,883	5,302	59·70	55·94
	GRAND TOTAL ...	30,318	33,236	34,240	38,004	13,799	15,123	19,375	21,696	56·58	56·95
	Increase ..	...	2,918	...	3,854	...	1,324	...	2,321	...	·37
	Decrease ...	...	...	...	...	...	...	...	...	...	...

Increase and Decrease in the different Districts during the year.

INCREASE.

District.	Number of offences reported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	...	180	...	188
Kyaukpyu	...	...	15	...
Sandoway	...	...	46	...
Northern Arakan	2	6	5	...
Hanthawaddy ... ... }	48	666	95	527
Pegu ... ... }				
Tharrawaddy	182	108	...	152
Prome	129	69	...	251
Henzada	1,271	606	48	539
Bassein	693	583	280	345
Thôngwa	686	787	324	458
Thayetmyo	...	...	...	...
Amherst	...	44	76	...
Shwegyin	96	156	129	36
Toungoo	...	...	117	...
Tavoy	...	...	...	...
Mergui	87	92	53	41
Salween	13	20	12	8
Moulmein	719	1,178	521	622
Total ...	3,826	4,490	1,721	3,112

DECREASE.

District.	Number of offences roported.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
Akyab	331	...	19	...
Kyaukpyu	185	155	...	142
Sandoway	45	97	...	140
Northern Arakan	...	...	...	8
Hanthawaddy ... ... {	...	...	...	...
Pegu ... ... {				
Tharrawaddy	...	...	120	...
Prome	...	...	199	...
Henzada	...	...	...	...
Bassein	...	...	...	...
Thôngwa	...	...	...	...
Thayetmyo	161	199	1	218
Amherst	62	...	...	30
Shwegyin	...	...	...	...
Toungoo	2	43	...	178
Tavoy	122	142	58	85
Mergui	...	...	...	...
Salween	...	...	...	...
Moulmein	...	...	...	...
Total ...	908	636	397	791

There are increases of 2,918 offences reported, 3,854 persons brought to trial, and 2,321 persons convicted. The number brought to trial is 6,992 more than in 1881.

B.

Division.	District.		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		House-breaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Arakan.	Akyab	1882	3	1	12	8	5	3	1	...	13	4	7	...	29	24	58	20	24	1	637	233
		1883	6	2	16	11	8	5	...	...	2	1	10	1	28	20	44	32	19	2	585	250
	Kyaukpyu	1882	...	...	2	2	...	...	7	6	16	9	...	...	18	14	92	28	3	2	576	231
		1883	3	2	3	2	2	2	1	5	4	1	2	...	11	6	215	71	11	..	524	161
	Sandoway	1882	9	5	1	...	...	...	...	...	3	...	1	...	3	4	91	28	...	...	240	104
		1883	7	3	...	...	1	1	...	...	1	3	3	1	2	2	96	15	1	...	213	72
	Northern Arakan	1882	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1
		1883	...	...	2	1	...	...	...	...	...	...	...	...	...	...	..	..	...	...	3	2
Pegu.	Hanthawaddy	1882	2	1	29	27	7	7	23	20	37	13	30	1	34	26	87	29	298	78	1,184	423
		1883	4	2	9	7	2	3	6	9	10	13	6	...	19	17	30	19	112	58	368	213
	Pegu	1882	Included in the Hanthawaddy district.																			
		1883	3	5	4	4	5	5	15	32	26	22	11	2	16	15	63	34	166	93	401	227
	Tharrawaddy	1882	3	1	9	3	6	6	6	1	38	25	23	1	23	29	41	9	95	11	1,125	289
		1883	..	...	10	13	3	3	7	16	51	16	21	2	7	3	34	6	159	17	1,162	403
	Prome	1882	1	2	16	12	2	1	18	9	15	13	1	...	26	24	38	27	168	40	1,319	442
		1883	4	5	20	18	4	3	6	7	31	33	20	5	59	61	87	47	228	98	1,453	554
Irrawaddy.	Henzada	1882	...	...	18	9	6	1	5	...	30	12	16	...	21	12	90	14	52	3	959	410
		1883	4	1	9	4	4	8	23	40	34	39	15	4	18	12	75	24	119	11	1,175	498
	Bassein	1882	2	2	11	15	4	4	2	6	14	23	2	1	11	11	69	52	45	26	898	549
		1883	2	...	14	19	5	2	4	12	27	19	20	4	152	112	61	50	81	24	1,478	548
	Thôngwa	1882	5	1	13	12	...	...	4	10	13	13	11	1	13	10	11	3	22	16	908	384
		1883	4	4	4	...	5	7	6	7	12	17	20	3	42	48	25	15	21	10	1,109	522
	Thayetmyo	1882	8	4	6	8	3	1	9	8	11	3	17	1	7	5	14	6	216	10	728	289
		1883	4	1	3	5	2	...	11	13	18	9	6	...	13	7	82	15	114	11	951	254

B—(*concluded*).

Division.	District		NUMBER OF																			
			Giving false evidence.		Murder.		Culpable homicide not amounting to murder.		Dacoity.		Robbery.		Rape.		Grievous hurt.		Housebreaking.		Cattle-theft.		Other thefts and receiving stolen property.	
			Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.	Cases reported.	Persons convicted and committed.
Tenasserim.	Amherst	1882	...	...	10	6	4	10	3	15	7	8	4	...	12	8	36	22	72	26	572	286
		1883	...	...	14	11	1	..	3	5	...	2	3	1	12	8	20	8	83	30	490	250
	Shwegyin	1882	...	..	5	3	1	...	2	7	10	10	10	...	3	1	89	23	65	10	674	218
		1883	...	...	7	3	1	...	2	3	6	6	7	1	10	9	99	16	99	41	696	200
	Toungoo	1882	2	...	6	5	.	...	9	2	22	10	2	...	3	3	25	20	151	25	502	127
		1883	...	..	10	7	4	1	12	7	16	5	1	...	6	1	51	8	177	21	429	136
	Tavoy	1882	...	...	3	2	4	2	...	...	2	1	4	4	9	7	37	10	6	...	155	70
		1883	...	...	4	4	...	...	...	...	...	...	4	2	5	4	18	7	5	...	119	62
	Mergui	1882	...	...	2	3	1	1	...	...	1	1	1	...	9	9	16	3	2	1	145	64
		1883	...		4	2	2	...	...	...	1	...	1	...	6	6	4	4	...	..	177	92
	Salween	1882	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	1	1	10	8
		1883	...	..	1	1	4	...	1	...	...	..	...	.	...	...	...	...	1	1	13	3
	Moulmein	1882	4	5	4	5	2	2	2	2	3	1	..	...	12	6	11	7	2	..	244	108
		1883	2	3	2	2	.	...	1	...	6	7	2	3	14	9	32	17	3	...	297	81
	Total	1882	39	22	147	120	45	38	91	86	235	146	130	10	233	195	835	301	1,222	250	10,786	4,235
		1883	43	28	136	114	53	40	98	156	232	193	152	29	420	342	1,016	388	1,403	417	11,373	4,528
	Increase	...	4	6	...	...	8	2	7	70	...	47	22	19	187	147	181	87	181	167	560	293
	Decrease	...	..	...	11	6	...	..	...	...	3	...	...	..	...	...	...	..	...	...	...	...

3. Except in Arakan, Thayetmyo, Amherst, and Tavoy, the number of reported offences has generally increased. The increase is most conspicuous in Henzada, Bassein, Thôngwa, and Moulmein. Captain Butler, who has lately become Deputy Commissioner of Henzada, attributes the increase there, which includes 18 more dacoities, 18 more robberies, 67 more cattle-thefts, and 216 more thefts to "the gambling and improvident temper of the Burmans, brisk trade and high prices having raised the cost of living" and induced people to steal instead of work. In Bassein such increase of heinous crime as requires attention is found in grievous hurts and cattle-thefts. Mr. St. Barbe assigns better reporting as the cause and states that there is more efficiency in detection. Mr. Phayre considers the increase of 2 dacoities and some housebreakings and thefts to increase of population, to better communications which allow strangers to come and commit dacoities, and to the better reporting of the rural police.

4. Mr. Hodgkinson, the Commissioner of the Irrawaddy Division, has given his opinion on the above districts. He thinks that the village police in Bassein and Thôngwa being better paid work better, while in Henzada they are badly paid and discontented. There is no sufficient surveillance of bad characters; the District Magistrates do not sufficiently control the police; and the magistracy do not use proper diligence in calling evidence essential to proper trial of cases when the police have neglected to produce it. But Mr. Hodgkinson goes on to say that more crime is reported because more crime exists, and in the following discussion he gives more general reasons, based on the moral depravity of the people, for this increase of crime:—

"The causes which are at the root of great increase of crime noticeable within the last three years may be divided into three classes. In the first class will come those causes which are the natural consequences of the introduction of another civilization and of the development of the country.

"Society is now in a transition state; and the authority, whether of parents or of Government, being no longer enforced by the arbitrary means and sanctions formerly prevalent, the respect for it is steadily decreasing amongst a people by whom the moral sanctions of civilization have as yet only very partially made themselves felt.

"Then again the enormous development of the export trade of Burma has led to prices of the necessaries of life being universally raised; while at the same time the rate of wages has fallen owing to the large increase of population by immigration from other countries. A Burman of the labouring classes not only receives less for his day's work, but what he does receive will procure for him and his family far less than it would have done ten or twelve years ago.

"Then again the ordinary Burman, who has seen comforts and even luxuries introduced into home use, is now no longer content with the scale of living which formerly sufficed for him. To a quick-tempered, thoughtless race the temptation to commit crime is thus greatly enhanced.

"Time and education can only remedy the causes above indicated, but the next class of causes is capable of being greatly deprived of their effect, if not entirely removed, by the action of Government.

"Opium, drink, and gambling are the three curses of the country, and to cope with these evils the present machinery is utterly inadequate.

"The terrible growth of opium eating and smoking, and the evil effects which have made themselves felt wherever the drug permeates, have been dwelt upon again and again, yet nothing has been done which really tends to check the evil except in the Kyaukpyu district of the Arakan division, where opium shops have been entirely abolished with the most beneficial result. In this division it is true the number of shops has been greatly reduced, and the selling price of the drug somewhat raised; but the only effect of the change has been an enormous increase in smuggling and lawbreaking (which the high value and small bulk of the drug make it most difficult to effectually check) in order to disseminate opium throughout the country without reducing the consumption in the very least. A large revenue is secured to Government by the present system, but it is secured by sapping the very heart's blood of the people, the better classes of whom most bitterly reproach us, and in my opinion very justly, for our apathy and misgovernment in this matter: no material improvement can be looked for until opium shops are licensed for sale in the premises only and the possession of opium outside the shops in any quantity however small is rendered penal.

"The remedy for drunkenness is more difficult to find; but much good might be done by imposing a heavy customs duty on the lower class of spirits which are imported of great strength and of poisonous quality. An excise establishment too might be employed with advantage where illicit distillation is known to prevail. In the meantime drunkenness is on the increase and is responsible for much of the violent crime in the country.

"Opinions of respectable Burmans, official and non-official, regarding gambling and the necessity for a more stringent law in Burma were obtained by Government last year and sufficiently attest the need of action, yet since these opinions were obtained gambling has been going on to a far greater extent than ever under the agis of a ruling of the Judicial Commissioner that *ti* lotteries are not gambling. It is true that I have declined to abide by the ruling for reasons given in Criminal Appeal No. 231 of the 4th quarter of 1883, "Shwe Byaw *v.* Queen-Empress;" but District Officers and Magistrates generally are naturally, and perhaps very properly, averse to setting up their own opinions against that of the Judicial Commissioner, although I have not found a single individual who does not regard the ruling as a grievous blow to the country, of which the full effects have yet to come. Immediate action is necessary to check the evil by legislation, especially if the mischievous judgment cannot be overruled by a Superior Court.

"But there are also defects in our police and district administration which go far to account for the increase of crime.

"One of the greatest drawbacks to the efficiency of the district administration is the difficulty experienced by the Deputy Commissioners of the heavier districts in obtaining time from their work at headquarters to visit the different parts of their district. It is hard to overrate the disadvantages entailed by this want of local supervision. Deputy Commissioners lose their touch of the people, and the confidence of the people in them is proportionately decreased. The remedy for this will probably be found in relieving Deputy Commissioners of the work of deciding civil appeals.

"In Henzada there are special reasons for the increase of crime. Many of the people in Ôkpo and Myanaung are by descent and disposition dacoits, and their courage grows with each successful crime. It is only by strong measures and occasional detection that they are kept in check; and in 1882 the absence of detection and the complete immunity of offenders naturally encouraged them in their depredations, and the example was very contagious. The difficulty of obtaining good evidence against even the known perpetrators of a crime is extreme in a country where the latter, if they are not as they often are relatives or connections of their victims who are robbed to supply them with means for gambling, opium, or drink, have almost invariably a large circle of relations and friends in the immediate neighbourhood some of whom may not scruple to avenge anything said or done against their comrades. The village police too in this district are badly paid and discontented in contrast to those of Thôngwa and Bassein, where the district fund is sufficient to pay fairly adequate remuneration; and as a body the gaungs and kyedangyis are reported to have much improved in their work."

5. The statistics for Hanthawaddy and Pegu are grouped together. Mr. Hough went away without leaving any report or notes, but Mr. Ireland's report on Pegu confirms some of Mr. Hodgkinson's views. He notices the great neglect of surveillance of bad characters as stated in paragraph 13 of my report for 1882. Only 6 cases of security for good behaviour occurred in that year. Where such persons are not looked after, the authorities are likely to be ignorant of previous convictions; and section 75 of the Penal Code about deterrent sentences is not enforced. Mr. Ireland traces 2 culpable homicides, 3 grievous hurts, and 2 riots to gambling affairs. The following account of the effect of liquor shops is worthy of serious consideration:—

"The liquor question is one of great importance, both in a moral and in a strictly criminal point of view. To my great surprise I found the Pegu district had imposed upon it 68 licensed shops for sale of a compound known as '*Hlawsa*.' Without going into particulars as to the composition of this stuff, it may be put forward as an admitted fact that it is a most deleterous and maddening compound of dubious liquor and noxious drugs, principally *Datura fastuosa*. These shops are presided over by Chinese, the scum of the Straits Settlements, who are unscrupulous to a degree and no doubt supply their victims with opium and other drugs. No considerations of revenue could possibly justify a Government in imposing on a conspicuously sober people in former years temptations of this nature. The respectable elders and inhabitants of villages have honestly expressed to me their disgust at this proceeding, and they have lamented that habits of indulgence against which they themselves were happily proof had gained ground amongst their children, sapping to its foundation the parental control."

6. Mr. Ireland, like many other officers, passes censure on the police; so does Mr. Hildebrand, the Deputy Commissioner of Tharrawaddy, who thinks however that there is more reporting of petty cases. This is what he says on the causes of crime in his district and the means of controlling the evil classes:—

"The thugyis however and the rural police have not until late in the year shown the zeal they should; indeed the former appear to have arrived at the conclusion that they had nothing to do with police work in their respective circles. The Township Officers also were, I think, lax in their efforts at detection and suppression of crime, and this percolated through the whole stratum of the administration to the village lugyi, who was as a matter of fact quite overridden by the village rough. The roughs were therefore in the ascendant, and the voice of the local lugyi, the kyedangyi, and the thugyi was still; tari and seinye shops are too much disseminated in out-of-the-way places, where they are free from efficient control; and to crown all the 36-animal game was ruled to be no gambling. The general result has been that gambling in an aggravated form has been ripe, intoxicating drinks too easily procured, the roughs have been in entire local control, and the voice of order has been smothered. That crime should not have decreased is no wonder, and that detection has been bad is a natural sequence.

"From the month of September in the year under report this state of things was suddenly checked and has to a very great extent, I believe, now ceased to exist; the lugyi's voice is again heard and the rough is, for him, silent.

"The Township Officer recognises that he has something else to do than to sit on the bench and play the Magistrate, and the lugyis and kyedangyis under him are gradually unfolding themselves from the evil which they had wrapped around them. The cause of the change was a circular which went round entitled 'extract from the proceedings of the 'Chief Commissioner, British Burma, in the Judicial Department, No. 112C., dated the '31st August 1883,' and I look upon that circular as the police salvation of the country. If the power of fining thugyis is resuscitated to District Officers as it therein states it will be, if the gaming laws are so revised that gambling can be suppressed, and if the sale of intoxicating drinks in out-of-the-way places is prohibited (which shall be done as far as my power goes), I feel confident that September may be looked upon as the turning point, and from that date crime will rapidly decrease and will continue to do so till a minimum is reached."

7. In Prome there has been better reporting and 9 of the robberies were false cases. The Deputy Commissioner thinks only one of the dacoities was of any importance. Lottery, gambling, and drunkenness are stated as the incentives to crime. In Thayetmyo crime seems to have been held in check, and more attention has been given to surveillance of bad characters.

8. The increase in Moulmein is not in violent crime but in municipal and other petty cases. The Judge remarks however that while housebreakings and thefts have increased without increase of detection, there were only 2 persons committed to the sessions under section 348 of the Procedure Code, so that the liability to punishment under section 75 of the Penal Code is hardly enforced at all. There were increases of reported cattle-theft in Amherst, Shwegyin, and other districts; but many of these were not thefts, 14 being struck off in Amherst and 75 in Prome. Major Hughes in reporting on Kyaukpyu states that many cases are mere strayings from the open pasture, not thefts.

9. Colonel Sladen, Commissioner of Arakan, in the following clear account of the state of things there shows that the laws are evidently effective to repress crime. Much of what he says is applicable to the whole province and ought to be remembered when drawing inferences from statistics of different offences:—

"The number of persons acquitted and discharged is apparently large in each district, but not abnormally so. It is evident that this is the result in most instances of over-zealous action on the part of the police and want of sufficient care and attention in the issue of processes by the subordinate magistracy. Steps are constantly taken to gradually correct both these defects in criminal administration.

"With the exception of murder and assaults with grievous hurt, which are hardly preventible by police or magisterial interference, there has been very little violent crime in any portion of the division.

"Only 2 dacoities occurred as compared with 7 in 1882. Robberies have decreased in a most wonderful manner, from *32* in 1882 to *6* in 1883. The decrease is equally notable in both the Akyab and Kyaukpyu districts, and is due in both to a judicious application of the preventive sections of the Criminal Procedure Code.

"Out of 10 cases of rape reported in the Akyab district there was only one conviction. The probabilities are that the remaining cases were not rape at all. The proceedings have been called for.

"Murders are alarmingly frequent. In most cases they are not premeditated but arise out of ungovernable passion on the part of a naturally excitable race of people, who use dangerous weapons of offence on the slightest provocation.

"Generally speaking a quarrel takes place on some very trivial matter, probably the loan of a few pice, blows are struck, and a claspknife or dagger, which many Arakanese

carry on their persons, is used, often with deadly effect. Grievous hurt cases have much the same origin. In many of them it is purely accident that the crime is not murder: the blow or the stab has not fallen on a fatal portion of the body. Nothing that we can do in a direct way can have any effect in preventing the frequency of this species of violent crime, which however, for some unknown reason or other, has declined from 50 cases in 1882 to 35 cases in 1883.

"The large number of cases reported under the head of housebreaking is due to extra care which is now taken to distinguish this class of cases from common thefts. Houses in Arakan are at the best frail structures and offer little or no protection to the property contained in them. A great majority of reported cases of housebreaking are in reality petty thefts of a very trivial nature, which hardly deserve classification under the major head of offence."

10. The effect of committing to the sessions is to secure more adequate sentences for cases of stabbing and other crimes impulsively committed as well as on habitual offenders against property: this deterrent procedure has been enforced by Colonel Sladen; and in Akyab and Kyaukpyu the Deputy Commissioners, Captain Adamson and Captain Raikes, have vigilantly supervised the officers under them. In the reports made by Colonel Sladen and the Deputy Commissioners in his division there is no especial mention of the evils caused by opium, drink, and gambling, nor any suggestion that thefts and hurts caused by persons addicted to these vices cannot be punished in a deterrent fashion by due prosecution under the ordinary laws. The following extract from Colonel Sladen's report is highly important as it discloses another means of coping with crime. Mr. Hodgkinson mentions that when Deputy Commissioner of Tharrawaddy a few years ago he proposed a measure for interesting the village elders in the same sort of way, I now quote Colonel Sladen:—

"The orders contained in the Chief Commissioner's resolution No. 112C., dated the 31st August 1883, are being diligently applied in each district and cannot fail to have a salutary effect in putting down crime in those districts in which urgent repressive measures had for some time become almost a State necessity.

"These measures will be much facilitated by the establishment of township boards, which are in course of formation in each district. It is in contemplation that the members of these boards, composed as they will be of selected elders of the people, official and non-official, shall include in their deliberations the best means of dealing with crime during an extraordinary outbreak in any particular district.

"Their action in such case, if properly utilized, is significant and will surely be followed by the happiest results. It is hardly too much to say that, used in conjunction with the resolution above referred to, the new measure is likely to exercise a marked effect on the criminal statistics of the whole province."

11. The statistics of table B relate to offences reported and do not give a proper notion of the real amount of heinous crime, as it is clear that many of the reports are false. The right criterion is the number of serious cases returned as true. I compare the two sets of figures:—

	Cases reported.	True cases.
1883	21,161	11,264
1882	19,166	10,640
Increase ...	1,995	624

The increases and decreases in true cases in table B are shown below:—

	1882.	1883.	Increase.	Decrease.
False evidence	35	40	5	...
Murder	126	118	...	8
Culpable homicide	39	41	2	...
Dacoity	69	80	11	...
Robbery	172	171	...	1
Rape	47	74	27	...
Grievous hurt	213	394	181	...
Housebreaking	717	908	191	...
Cattle-theft	903	936	33	...
Other thefts and dishonest receiving	8,319	8,502	183	...
Total ...	10,640	11,264	624	...

12. The increase of grievous hurts is chiefly in the Bassein district, namely, 141, and of housebreaking in the Kyaukpyu district, being 123. The District Magistrate there explains that 60 per cent. were of a petty nature; but the Commissioner states that more trouble is taken to distinguish these cases from common thefts. I have often had to teach Magistrates that a man who happening to be in a house steals is not so great an offender as a man who secretly, or by night, or armed with a deadly weapon, enters a house to steal. I believe far greater care is now being taken to distinguish grievous hurts from ordinary hurts, and generally to give severer sentences where such aggravations are proved.

13. The habit of making false reports evidently requires a check; but I have no doubt that the Inspector-General of Police is aware of the evil. Where the law allows a complainant to go to the police, they cannot refuse to take his information. The Magistrates are too much in the habit of referring to police investigation the few complaints made to them in spite of careful declaration of the law on this subject. They do not begin the inquiry soon enough. They do not understand the spirit of sections 208 and 252 of the Procedure Code. Instead of examining the complainant and such witnesses as are present at once, they grant remands in order to throw on the police the whole burden of investigation. They ought to begin the inquiry and as it goes on make remands to get such other evidence as may be wanted. The consequence is that each case occupies far more time of the police than it ought, and they are debarred from preventive duties and arresting new offenders. The evidence does not come up fresh to the Magistrate, and the people get so used to going to the police thana that it seems to be considered as a cutcherry. Even men grievously wounded are sent off there. In some Courts, *e.g.*, in Maung Gyi's Court at Moulmein and in Tharrawaddy, long delays in trivial cases occur and the accused is kept in custody till the inquiry begins. I have more than once had to order Magistrates to go to a hospital with a prisoner and take the evidence of a wounded complainant who might die if the inquiry were postponed until other witnesses had arrived. Somewhat greater alacrity is being shown in proceeding to the scenes of great crimes; but even in these cases the police do a great deal of clerical work which might be saved if the Magistrate would begin the inquiry sooner. The intention of the law is expounded in my circular orders (see circular Nos. 46 and 60 of 1883); but without a thorough understanding between the Police and Judicial authorities, I do not know how to break the people of the habit of going to the police rather than to the Magistrate.

14. The number of prosecutions for nuisances continued to increase. In 1881, 4,933 persons were charged; in 1882, 6,264; in 1883, 7,123:—

	Persons charged.		Persons convicted.	
	1882.	1883.	1882.	1883.
Nuisances under Penal Code	2,228	1,622	1,441	1,065
Nuisances under Police and Municipal Acts	2,018	3,580	1,668	3,023
Gaming and lottery	2,018	1,921	1,274	1,196
Total ...	6,264	7,123	4,383	5,284

There were 1,071 persons charged under the Embankment Act, of which 857 were charged in the Henzada district. In opium and excise cases the statistics are as follows:—

	Persons charged.		Persons convicted.	
	1882.	1883.	1882.	1883.
Under Opium Act	418	492	262	338
Under Excise Act	1,066	1,280	771	918

15. Sixteen persons were convicted or committed for offences about the coinage, 8 for forgery, and 28 for false evidence.

16. The following table shows the amount of criminal business in the several districts, the result of the trials, and the state of the files at the close of the year, the average duration of cases, and the number of witnesses who attended. Miscellaneous cases under the Criminal Procedure Code have been excluded, as in paragraph 2 of this report:—

Division.	District.	Number of persons brought to trial during the year.	Discharged without trial.	Acquitted.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	Average duration of cases.	Number of witnesses who attended.
Arakan.	Akyab	2,168	450	290	1,339	43	3	43	7·	5,208
	Kyaukpyu ...	1,283	198	266	733	4	26	6	5·	3,886
	Sandoway ...	478	71	138	267	...	1	1	5·	1,806
	Northern Arakan ...	22	2	6	10	1	1	2	3·	88
	Total ...	3,901	721	700	2,349	48	31	52	6·	10,948
Pegu.	Hanthawaddy ...	1,786	558	270	896	24	4	34	5·	4,375
	Pegu	2,155	585	318	1,119	51	24	63	6·	5,101
	Tharrawaddy ...	2,867	526	697	1,488	39	108	9	6·	6,283
	Prome	4,233	663	832	2,648	53	14	23	4·	13,517
	Total ...	11,041	2,332	2,112	6,151	167	150	129	5·	29,276
Irra-waddy.	Henzada	4,026	598	686	2,622	79	14	27	6·	8,214
	Bassein	4,354	767	1,101	2,365	54	36	31	9·	11,061
	Thôngwa	3,428	577	905	1,882	24	4	36	6·	7,745
	Thayetmyo ...	1,866	338	400	1,025	38	30	35	4·	4,765
	Total ...	13,674	2,280	3,092	7,894	195	84	129	7·	31,785
Tenasserim.	Amherst	1,743	306	455	884	17	32	49	9·	3,368
	Shwegyin	1,933	394	470	1,035	4	1	29	10·	4,959
	Toungoo	1,479	176	570	699	11	6	17	6·	3,132
	Tavoy	316	29	77	204	5	...	1	4·	1,118
	Mergui	546	18	125	401	2	...	...	2·	926
	Salween	82	5	23	53	1	...	...	4·	156
	Moulmein	3,379	470	768	2,026	36	20	59	5·	4,407
	Total ...	9,478	1,398	2,488	5,302	76	59	155	7·	18,061
	Grand Total ...	38,094	6,731	8,392	21,696	486	324	465	8·	90,070
	In 1882 ...	34,240	5,841	7,958	19,375	353	179	534	4·77	78,330

17. The percentage of persons convicted was 58·16 as against 57·78 in the year before. The proportion is low; but a great many trifling cases are compounded out of Court, and several District Magistrates complain that arrests are made too hastily by the police and processes issued without good reasons by Magistrates. The Deputy Commissioners of Amherst and Kyaukpyu are pleased with the results of teaching the police in police schools or by means of a manual. In Sandoway more evidence is said now to be required, and it is not improbable that more caution exists because there is more revision.

18. The number of persons convicted by District Magistrates was 1,965 or 9·06 of the total, by Honorary Magistrates 2,037 or 9·39, and by other Magistrates 17,694 or 81·55. In 1882 the percentages were 8·13, 9·11, and 82·76 respectively.

19. The number of commitments to the Courts of Session has increased from 353 to 486 persons. The average length of trials is partly accounted for by delay in getting proof of former convictions.

20. The following table shows the punishments inflicted by the different Magisterial authorities and the orders passed in their preventive jurisdiction :—

Division.	District.	Persons sentenced to						Amount of fine			Persons ordered to	
		Solitary confinement.	Simple confinement.	*Rigorous imprisonment.* Two years and under.	*Rigorous imprisonment.* Over two years.	Fine.	Whipping.	Imposed.	Realized.	Paid as compensation.	Give security for keeping the peace.	Give security for good behaviour
								Rs. A. P.	Rs. A. P.	Rs. A. P.		
Arakan.	Akyab ..	1	8	428	1	931	23	15,327 2 0	11,267 2 6	1,825 11 9	1	20
	Kyaukpyu ..	5	3	371	17	383	28	8,667 4 0	7,255 7 0	1,087 8 0	8	72
	Sandoway ..	..	5	118	15	150	7	1,392 11 0	1,820 6 2	391 13 9	3	11
	Northern Arakan	..	1	8	1	8	..	78 9 0	43 9 0	....	..	..
	Total ..	6	17	925	34	1,467	58	25,460 10 0	20,386 8 8	3,305 1 6	12	103
Pegu.	Hanthawaddy ..	2	14	435	31	470	38	10,012 4 0	6,420 7 3	2,170 0 0	35	38
	Pegu ..	1	6	422	65	654	52	19,903 0 0	10,893 0 0	1,300 0 0	18	98
	Tharrawaddy ..	23	8	545	45	922	48	19,441 14 3	15,769 7 6	2,251 10 11	5	99
	Prome ..	1	15	906	58	1,754	115	38,899 5 9	22,476 5 6	1,086 11 5	24	134
	Total ..	27	43	2,308	199	3,800	253	88,256 8 0	55,559 4 3	6,808 6 4	82	369
Irrawaddy.	Henzada ..	7	12	693	..	1,874	92	13,711 3 0	10,613 14 0	887 0 0	2	151
	Bassein ..	16	18	858	34	1,588	128	39,733 3 0	19,928 9 0	2,279 0 0	..	128
	Thôngwa ..	15	28	720	29	1,066	82	16,798 1 0	13,227 1 0	1,389 4 0	1	50
	Thayetmyo ..	2	7	311	22	696	43	12,979 12 0	9,138 12 0	1,814 0 0	8	47
	Total ..	40	60	2,582	85	5,224	345	83,222 3 0	52,908 4 0	6,369 4 0	11	376
Tenasserim.	Amherst ..	..	8	344	17	526	17	12,408 8 0	8,402 8 0	737 5 0	6	31
	Shwegyin ..	..	10	334	24	654	13	11,239 12 0	8,098 4 0	912 8 0	1	72
	Toungoo ...	1	5	206	26	478	11	6,841 2 0	5,062 2 8	865 0 0	..	8
	Tavoy ..	..	..	90	13	109	5	2,460 0 0	1,653 13 6	248 0 4	..	4
	Mergui ..	..	2	119	3	274	3	2,929 14 0	2,865 14 0	410 8 0	..	1
	Salween ..	..	7	45	..	43	1	1,201 0 0	1,121 0 0	465 0 0	..	..
	Moulmein ..	..	17	144	..	1,853	30	12,175 4 0	10,536 15 0	1,647 12 0	5	17
	Total ..	1	49	1,282	83	3,937	80	49,375 8 0	37,740 9 2	5,286 1 4	12	133
	Grand Total ..	74	169	7,097	401	14,428	736	2,46,314 13 0	1,66,594 10 1	21,768 13 2	117	981
	In 1882 ..	58	192	5,681	280	13,041	712	2,10,441 8 6	1,56,442 0 6	21,307 6 9	127	391

Of 21,696 persons convicted by Magistrates 14,428 were fined, of whom 13,218 were punished with fine only, being 60·92 per cent. as against 63·73 in 1882. Heavier sentences of imprisonment have been passed, 401 persons being awarded more than two years as against 280 in 1882 and 259 in 1881. Greater inquiry has been made about previous convictions, and I have issued several circulars (*e.g.*, Nos. 30, 33, 43, and 44) requiring that the aggravating circumstances of a crime shall not be ignored. Stabbing was often punished too lightly, grievous hurt being treated as ordinary hurt, the use of a deadly weapon not being mentioned in the charge. Attempts at murder and at rape were in several instances treated wrongly as offences of a lighter sort.

21. Whippings have not greatly increased, the Procedure Code of 1882 reducing the number of Courts empowered to award such sentences. Mr. Ireland thinks the power should not be given to all subordinate Magistrates. Mr. Hodgkinson makes the following remarks which relate to the general subject of deterrent punishment and really convey a censure on the discipline of the jails:—

"It is opposed to the general feeling of the age to say that whipping should be more resorted to; but I am satisfied that few punishments are more truly deterrent at the present day, when the rigorous discipline and hard work which are essential elements of any proper jail administration are entirely secondary if not sacrificed to considerations for the comfort, health, and weight of the prisoners. So far from jail being feared by the habitual criminal, he knows he never has such food, never is so well housed, and never could earn his livelihood with such small physical labour out of jail as he can inside it; and so long as jail discipline is such as to engender no fears in the criminal, it can hardly be expected that he will trouble himself much to avoid a chance of being again incarcerated if temptation is held out to him.

"Mr. St. Barbe expresses much the same opinion. So long as no primitive work is found for convicts, whipping will always be the most deterrent punishment for theft and juvenile offenders. 'Accused persons (he adds) have on more than one occasion asked me 'to add a year to their sentence and spare them the whipping, and I wish the punishment 'could be awarded for heinous offences against the person as well.'"

22. In my opinion the intention of the law about the judicious employment of whipping is not affected by defects of prison administration if such exist. On first convictions of common people, on convictions of juveniles, and on second or later convictions for certain offences, as an additional punishment whipping may properly be inflicted. But society will not be protected sufficiently if whipping be used as the substitute for long terms of confinement. It is not in my opinion applied as often as it might as an addition to imprisonment on a reconviction: where an accused may appeal there is little danger of abuse.

23. Out of Rs. 2,46,315 imposed as fines, Rs. 1,66,595 were realized by the Magistrates, being 67·63. In 1883 the ratio was 74·34: these proportions are not exact, as the amount of realizations includes sums realized on fines of the year before. The uncollected proportion is great in Bassein, Prome, and Pegu. In Bassein it is said that the amount is made up by lottery, gaming, and excise cases, the fine being made very high in order to induce some supposed abettor of the offence to step in and pay without being accused: this endeavour is unjust to the unaccused person and oppressive to the man convicted. I have drawn Mr. St. Barbe's attention to Lord Macaulay's note on punishments under the Penal Code which was printed and sent as a guide to all the Courts. Elsewhere the levy of fines is resisted by wives and joint owners of property; but as under the Burman family law the wife has separate property and a share in joint property and other members of the family dwell as undivided members, it shows strange ignorance of the country when Magistrates treat the whole estate as a measure of the wealth of one sharer. I have had to draw plain attention to these laws, and I do not think any inference can be drawn from the large amounts of unlevied fines, except that in many cases they are not at all proportionate to the means of the offender and in others no proper attempt is made to levy. The mischief is increased by a very general ignorance of section 65 of the Penal Code: in spite of repeated orders the Magistrates forget it, even Magistrates of Colonel Fryer's experience. Illegally oppressive sentences of imprisonment in default have been very common; and in Thayetmyo and other districts I have been obliged pointedly to call on the District Magistrate to do what justice demanded of him under section 438 of the Procedure Code.

24. Rupees 21,769 were paid by Magistrates as compensation, being 8·84 of the amount imposed, a less proportion than last year. The Magistrates have been repeatedly told of what the law expects of them in this jurisdiction, and it is the fault of the District Magistrate if it is not worked. The hope of compensation induces injured persons to come forward, and it is wrong to refer such to a civil suit when the Magistrate may make an award. I have called for cases where indifference has been shown and have not been at all satisfied with such statements as that the convict was probably too poor to pay.

25. The preventive jurisdiction in security cases has been far more actively and efficiently worked than before. The initiative depends on the executive: unless persons are arraigned the Courts cannot operate. But unless inquiries are made after habitual thieves and such persons, it is difficult to see how a District Magistrate can detect and punish under the Penal Code; and where there is great laxity in investigation, there cannot be many prosecutions or convictions. In my last report I brought to notice a statement that the Police Superintendent of Thayetmyo had ceased to prosecute and that only six persons had been arraigned in Hanthawaddy. There have been 981 persons ordered to find security for good behaviour in 1883; in 1882 there were only 391. So enormous a difference shows how great was the need of surveillance and knowledge of the state of the districts: the want of these accounts for much of the increase of crime and illustrates what Colonel Sladen's report seems to me to show, that vice even if increasing can easily be controlled by the existing laws when it degenerates into crime provided those laws be properly worked. The omission to act under section 110 of the Procedure Code and to discover men reputed to be habitual robbers, housebreakers, thieves, and receivers seems closely connected with the frequent omission of the police and Magistrates to accuse these people as such under the Penal Code, to arraign them before the superior Courts as required by section 348 of the Procedure Code, and to prove their habitual dishonesty so as to make them liable under section 75 of the Penal Code or to the additional sentence of whipping. The weakness in the executive management of a district must entail the same weakness in the judicial part. I have given very full instructions (circular No. 62 of 1883), and on the whole I think the Courts understand the proper way of applying sections 109 and 110. But the tendency appears to me to be to allow the habitual thief or robber to escape or to get off too easily and to treat mere excess of drinking or betting or the want of steady employment as penal under section 109. We wish to fill the jails with the habitual thieves and robbers, but it is a waste of energy to meddle with mere vice while habitual crime laughs at the police. Another curious circumstance is that some Magistrates while able to adjudge a man to be a habitual thief under section 110 seek for an impossible definition when trying him under section 75 of the Penal Code. These remarks seem to me necessary, as I have lately inspected the Courts of Prome, Henzada, and Bassein with especial reference to the jurisdiction over habitual offenders.

26. In the following table is shown the number of appeals from subordinate Magistrates and the mode in which they were decided by the Magistrate of the district or officer empowered to hear appeals:—

Division.	District.	Number of persons convicted.	Number of persons who appealed.	Number of persons in whose cases: Sentence was confirmed or appeal rejected.	Number of persons in whose cases: Sentence was modified. Enhanced.	Number of persons in whose cases: Sentence was modified. Reduced.	Sentence reversed or proceedings quashed.
Arakan.	Akyab	894	10	4	...	2	2
	Kyaukpyu	225	57	7	...	4	45
	Sandoway	158	45	24	...	4	15
	Northern Arakan	...	...	...	...	...	...
	Total ...	777	110	35	...	10	62
Pegu.	Hanthawaddy	150	14	8	...	...	6
	Pegu	816	27	12	...	2	10
	Tharrawaddy	1,054	51	35	...	5	8
	Prome	709	32	11	...	4	17
	Total ...	2,229	124	66	...	11	41
Irrawaddy.	Henzada	2,101	75	44	...	7	22
	Bassein	1,627	121	62	...	24	33
	Thôngwa	1,262	93	52	...	18	22
	Thayetmyo	899	42	33	...	4	4
	Total ...	5,889	331	191	...	53	81
Tenasserim.	Amherst	266	17	1	...	12	2
	Shwegyin	449	27	14	...	3	10
	Toungoo	452	14	7	...	2	5
	Tavoy	185	8	7	...	...	...
	Mergui	200	6	6	...	...	...
	Salween	28	3	1	...	2	...
	Moulmein	89	7	4	...	3	...
	Total ...	1,614	82	40	...	22	17
	Grand Total ...	10,009	647	332	...	96	201
	In 1882 ...	12,582	478	218	7	101	130

27. The increase of persons appealing to District Magistrates is great, and the principal cause is the change in the law, which now precludes a Court of appeal from enhancing the sentence. Out of 647 appellants, 332 gained nothing; but 201, or more than 1 in 3, got the sentences reversed: 96 sentences were reduced. It may be noticed that few sentences were enhanced under the former law.

28. The work of the Courts of Session in trials is shown below :—

Division.	Designation of Judge.	Number of persons brought to trial, including cases pending from last year	Number of persons acquitted.	Number of persons convicted.	Number of capital sentences referred for confirmation.	Average duration of trials.	Number of persons whose cases were left undisposed of at the end of the year	Number of persons whose cases have been pending for more than three months from date of commitmen.	Number of cases in which Judge agreed with assessors	Number of cases in which Judge disagreed with assessors.	Remarks.
Arakan.	Commissioner and Sessions Judge ..	45	6	38	5	21·	..	..	19	11	1 died, escaped, or transferred.
Pegu.	Commissioner and Sessions Judge ..	200	77	109	12	51·	14	2	54	32	
Irrawaddy	Commissioner and Sessions Judge ..	189	58	108	8	40·	23	8	93	71	
Tenasserim.	Commissioner and Sessions Judge ..	60	17	34	8	52·	8	1	13	14	1 transferred.
	Sessions Judge, Moulmein	35	14	21	1	18·	..	..	..	..	
	Total ..	529	172	310	34	36·	45	11	179	128	2 died, escaped, or transfered
	In 1882 ..	339	140	162	24	51·	33	10	113	41	2 escaped 2 transferred

29. The number of persons brought to trial in Courts of Session continues to increase. In the Pegu Session Judge's Court it has increased from 128 to 200; 42 of these cases belong to the Pegu and Hanthawaddy districts; most of them are of 1882. In the Irrawaddy division dacoits and robbers were sent up to the sessions rather than to Deputy Commissioners, who could only award seven years' imprisonment. The same thing was done in Arakan; and the Judge of Moulmein thinks more committals should have been made to his Court. The total numbers have varied in different years as follows :—

1877	...	...	...	...	...	...	244
1878	...	...	...	...	...	...	314
1879	...	...	...	...	...	...	289
1880	...	...	...	...	...	...	362
1881	...	...	...	...	...	...	285
1882	...	...	...	...	...	...	339
1883	...	...	...	...	...	...	529

In 1880 79 persons were committed to the Judicial Commissioner's sessions from the Hanthawaddy district, of whom 38 were acquitted. In 1883 the convictions in the Pegu Court are 54 per cent. and in the Irrawaddy Court 65 against 40 and 51 respectively in the year before. The Judge of Irrawaddy complains that the Magistrates are not careful enough in determining whether to commit. In 1883 the total proportion of convictions was 64 per cent. of persons actually tried by Courts of Session.

30. The various punishments inflicted by the Courts of Session were as follows :—

Division.	Designation of Judge.	PERSONS SENTENCED TO										AMOUNT OF FINE.		
		Death.	Transportation		Imprisonment.				Solitary confinement.	Fine.	Whipping.	Imposed.	Realised.	Awarded as compensation.
			For life.	For a term.	Rigorous.		Simple.							
					Over seven years.	Seven years and under.	Over seven years.	Seven years and under.						
												Rs.	Rs.	Rs.
Arakan.	Commissioner and Sessions Judge ...	5	6	...	5	22	..	...	...	4	...	250	150	.
Pegu	Commissioner and Sessions Judge .	12	32	11	16	38		...	..	2	...	400	...	...
Irrawaddy	Commissioner and Sessions Judge ...	8	29	31	1	33	..	3	3	2	...	1,200	..	..
Tenasserim	Commissioner and Sessions Judge ...	8	7	3	2	14	..	..	...	...	...	...	...	.
	Sessions Judge, Moulmein	1	...	..	1	17	...	...	..	2	1	220	220	.
	Total ...	34	74	45	25	124	...	3	3	10	1	2,070	370	..
	In 1882 ...	24	33	1	24	76	..	1	...	5	...	400	50	..

The result of more committals is a far larger proportion of deterrent sentences. This is matter of congratulation; as also the fact that in Magistrates' Courts the proportion of persons sentenced to imprisonment over two years is 5·18 : of the total number sentenced to imprisonment in 1882 it was 4·5.

31. In my report for 1881 I mentioned the tendency of Deputy Commissioners to try cases that ought to be sent to the sessions; they did this at the expense of their own jurisdiction over habitual offenders, who were left to ordinary Magistrates. The latter also tried grievous hurts which ought to have gone to a higher Court; they relieved themselves by thrusting on the police the duty of investigation. The whole machinery is in danger of going wrong unless watched from above, and as criminals are sentenced by Courts one or two grades too low the sentences are not deterrent. Some extraordinary results are noticed in my circular No. 43 of 1883. At my last inspection of the Prome Courts I found that a 1st class Magistrate held five trials of a person in whose house the proceeds of five thefts and housebreakings were found and sentenced him to two years' imprisonment at each trial: he ought to have been committed to the sessions. There is too much inclination to save the Commissioner trouble, and the District Magistrate being burdened with the Commissioner's work has to shirk his own. Against this inherent tendency of the judicial system of Burma I have contended steadily, but it required bursts of violent crime to induce the District Magistrates to be more careful to commit where heavy sentences were wanted.

32. In 179 cases the Sessions Judges agreed with assessors; in 128 they differed. The assessors are of some use: I am of the opinion of those Judges who think it better to sit with assessors than without. But they often dislike giving opinions in cases where the punishment is heavy, and this dislike is greatest in the most serious cases where the sentence may be capital. In England, according to the evidence of Lord Cranworth and Sergeant Parry, there is very great difficulty in getting juries to convict in capital cases, and although the most solemn feelings of the Buddhists revolt from the taking of life and their religious notions induce them often to give perverse or inane opinions in these trials, I do not know that they differ much from people elsewhere. Fearing that the same causes might prevent prosecutions and detections in murder cases I addressed the Judges and Magistrates, who have given me their views of the effect of enacting capital punishments in such a society. Mr. Hodgkinson reports that all classes of Burmans would gladly see such punishments abolished.

33. The result of appeals from Magistrates to Courts of Session was as follows :—

Division.	District.	Number of persons convicted in appealable cases.	Number of persons who appealed.	Number of persons whose sentences were confirmed or appeals rejected.	Sentences		Number of persons whose sentences were reversed or proceedings quashed.	Remarks.
					Enhanced.	Reduced.		
Arakan.	Akyab	645	109	86	...	6	12	4 pending. 1 reduced by Judicial Commissioner.
	Kyaukpyu	508	88	51	...	11	17	8 not appealable. 1 struck off.
	Sandoway	215	48	29	...	2	5	8 pending. 4 not appealable.
	Northern Arakan ...	10	2	...	...	...	2	
	Total ...	1,378	237	166	...	19	36	7 not appealable. 7 pending. 1 reduced by Judicial Commissioner. 1 struck off.
Pegu.	Hanthawaddy ...	499	78	57	...	5	16	
	Pegu	414	104	76	...	5	20	3 pending.
	Tharrawaddy ...	236	84	50	...	2	29	3 do.
	Prome	779	253	203	...	6	35	9 do.
	Total ...	1,928	519	386	...	18	100	15 do.
Irra-waddy.	Henzada	523	74	50	...	4	14	6 do.
	Bassein	300	123	106	...	7	7	3 do.
	Thôngwa	283	78	49	...	12	14	3 do.
	Thayetmyo ...	169	89	60	...	9	18	2 do.
	Total ...	1,225	364	265	...	32	53	14 do.
Tenasserim.	Amherst	219	79	53	...	8	17	1 do.
	Shwegyin	220	114	82	...	4	16	11 do. 1 referred to Judicial Commissioner.
	Toungoo	156	86	64	...	3	12	7 pending.
	Tavoy	86	22	14	...	2	5	1 do.
	Mergui	46	12	8	...	...	2	2 new trials ordered.
	Salween	23	...	...	...	...	...	
	Moulmein	68	19	12	...	1	6	
	Total ...	768	332	233	...	18	58	20 pending. 2 new trials ordered. 1 referred to Judicial Commissioner.
	Grand Total ...	5,299	1,452	1,050	...	87	247	7 not appealable. 56 pending. 1 reduced by Judicial Commissioner. 1 referred to Judicial Commissioner. 1 struck off. 2 new trials ordered.
	In 1882 ...	3,431	752	482	12	35	164	10 not appealable. 47 pending. 1 died. 1 struck off.

34. The work of the Appellate Courts is shown in the following table:—

Division.	Designation of tribunal and name of Judge or Magistrate.	Number of appeals preferred, including those pending from previous year.	Number decided.	Number returned for further inquiry.	Average duration of appeals.	Number left pending at close of year.	Of those pending for more than six weeks.
Arakan.	Captain C. H. E. Adamson, District Magistrate of Akyab	9	7	...	15·	2	...
	Mr. T. C. Mitchell, Officiating District Magistrate of Akyab	1	1	...	8·	...	...
	Captain F. D. Raikes, District Magistrate of Kyaukpyu	10	10	...	7·	...	...
	Mr. F. S. Copleston, Officiating District Magistrate of Kyaukpyu	6	5	1	8·	...	...
	Captain C. A. Cresswell, District Magistrate of Sandoway.	1	1	...	7·	...	...
	Mr. A. R. Birks, District Magistrate of Sandoway ...	33	33	...	5·	...	...
	Colonel E. B. Sladen, Sessions Judge of Arakan ...	127	124	...	12·	3	...
	Lieutenant-Colonel G. A. Strover, Officiating Sessions Judge of Arakan	71	71	...	15·	...	...
	Total ...	267	261	1	15·	5	...
Pegu.	Mr. A. Hough, District Magistrate of Hanthawaddy.	18	18	...	8.	...	...
	Mr. W. deCourcy Ireland, District Magistrate of Pegu.	14	11	2	12·	1	...
	Lieutenant-Colonel W. C. Plant, District Magistrate of Tharrawaddy	18	18	...	7·	...	...
	Mr. A. H. Hildebrand, District Magistrate of Tharrawaddy	18	11	...	7·	2	...
	Major G. Alexander, District Magistrate of Prome.	29	29	...	4·	...	...
	Colonel C. W. Street, Sessions Judge of Pegu ...	429	415	...	8·	14	...
	Total ...	516	497	2	6·	17	...
Irrawaddy.	Captain W. F. H. Grey, Offficiating District Magistrate of Henzada	46	45	1	7·	...	...
	Captain J. Butler, District Magistrate of Henzada ...	3	2	...	6·	1	...
	Mr. H. Buckle, District Magistrate of Thôngwa ...	61	60	...	6·	1	...
	Mr. R. Phayre, Officiating District Magistrate of Thôngwa						
	Colonel W. Munro, District Magistrate of Bassein ...	86	84	...	5·	2	...
	Mr. H. L. St. Barbe, District Magistrate of Bassein.						
	Captain T. M. Jenkins, 1st class Magistrate, Bassein Headquarters	35	35	...	5·	...	...
	Captain W. F. H. Grey, Officiating District Magistrate of Thayetmyo	29	28	...	5·	1	...
	Mr. R. H. Pilcher, District Magistrate of Thayetmyo.						
	Mr. G. J. S. Hodgkinson, Sessions Judge of Irrawaddy.	364	350	...	13·	14	1
	Total ...	624	604	1	10·	19	1
Tenasserim.	Colonel W. W. Pemberton, District Magistrate of Amherst	9	9	...	12·	...	...
	Mr. G. L. Weidemann, District Magistrate of Shwegyin	22	22	...	2·	...	...
	Lieutenant-Colonel G. A. Strover, District Magistrate of Toungoo	8	8	...	8·	...	...
	Captain T. M. Jenkins, Officiating District Magistrate of Toungoo	3	3	...	10·	...	...
	Mr. C. J. A. Duke, District Magistrate of Tavoy ...	8	7*	...	3·	...	...
	Captain J. Butler, District Magistrate of Mergui ...	2	2	...	4·	...	...
	Mr. K. G. Burne, District Magistrate of Mergui ...	1	1	...	10·	...	...
	Mr. J. K. Macrae, District Magistrate of Mergui ...	1	1	...	6·	...	...
	Mr. J. C. Davis, District Magistrate of Salween ...	2	2	...	3·	...	...
	Mr. K. G. Burne, District Magistrate of Moulmein...	4	4	...	6·	...	...
	Mr. D. G. Macleod, Sessions Judge of Moulmein ...	17	17	...	4·	...	...
	Colonel A. G. Duff, Sessions Judge of Tenasserim ...	139	139	...	19·	10	...
	Lieutenant-Colonel W. C. Plant, Sessions Judge of Tenasserim	83	71†	...			
	Total ...	299	286	...	15·	10	...
	Grand Total ...	1,706	1,648	4	10·	51	1
	In 1882 ...	1,024	906	8	10·	49	2

* Transferred. † Referred to the High Court for revision and 1 new trial ordered.

The percentage of appellants who got their sentences reversed to the total disposed of was 17·84. The number of appellants has greatly increased, there being little fear of enhancement. But now and then the Judge directs a trial on a graver charge, or submits the case in revision on the ground of inadequate sentence. The increase of work in the Sessions Court of Pegu and Irrawaddy is remarkable, the number of appeals being 429 and 364 as against 182 and 237 in 1882. The total number of appeals decided by Sessions Judges and District Magistrates has increased from 966 to 1,648, which increase signifies a great addition to work. One good result is that it brings the work of their subordinates before their eyes, and in some districts, especially Thayetmyo and Mergui, this has been much wanted even to insure attention to section 65 or 75 of the Penal Code or other simple matters.

36. In the following table is shown the work of the Court of the Judicial Commissioner as a Court of appeal:—

Division.	Designation of tribunal and name of District Magistrate or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
				Confirmed.	*Modified.* Enhanced.	*Modified.* Reduced.	Reversed.	Pending.
Arakan.	Captain C. H. E. Adamson, District Magistrate of Akyab	1	1	...	...	...	...	...
	Captain F. D. Raikes, District Magistrate of Kyaukpyu	9	8	...	...	...	1	...
	Mr. A. R. Birks, District Magistrate of Sandoway	8	4	...	...	...	...	4
	Colonel E. B. Sladen, Sessions Judge of Arakan	21	9	6	...	3	2	1
	Lieutenant-Colonel G. A. Strover, Officiating Sessions Judge of Arakan	10	9	1	...	...	...	...
	Total	49	31	7	...	3	3	5
Pegu.	Mr. A. Hough, District Magistrate of Hanthawaddy	10	5	2	...	1	2	...
	Mr. W. deCourcy Ireland, District Magistrate of Pegu	26	12	12	...	1	1	...
	Lieutenant-Colonel W. C. Plant, District Magistrate of Tharrawaddy	13*	7	2	...	2	1	...
	Mr. W. C. Midwinter, District Magistrate of Tharrawaddy	4	1	1	...	...	2	...
	Mr. A. H. Hildebrand, District Magistrate of Tharrawaddy	14	9	5	...	...	...	...
	Major G. Alexander, District Magistrate of Prome	26	13	8	...	1	4	...
	Colonel C. W. Street, Sessions Judge of Pegu	75	35	20	...	8	4	8
	Total	168	82	50	...	13	14	8
Irrawaddy.	Mr. H. Buckle, District Magistrate of Thôngwa	7	...	7	...	...	...	...
	Mr. R. Phayre, Officiating District Magistrate of Thôngwa	6	2	3	...	...	1	...
	Colonel W. Munro, District Magistrate of Bassein	4	4	...	...	...	...	...
	Mr. H. L. St. Barbe, District Magistrate of Bassein	17	9	7	...	...	...	1
	Captain T. M. Jenkins, 1st Class Magistrate of Bassein	3	3	...	...	...	...	...
	Captain W. F. H. Grey, District Magistrate of Henzada	9	6	1	...	...	1	1
	Mr. R. H. Pilcher, District Magistrate of Thayetmyo	12	5	...	...	1		...
	Maung Tet Pyo, 1st Class Magistrate of Myedè	1*	...	...	...	...	..	...
	Mr. G. J. S. Hodgkinson, Sessions Judge of Irrawaddy	80	33	30	...	...	4	13
	Total	139	62	48	...	1	12	15

* In one case from this court a new trial was ordered.

Division.	Designation of tribunal and name of District Magistrate or Sessions Judge.	Number of appellants.	Number of persons whose appeals were rejected.	Sentence				
					Modified.			
				Confirmed.	Enhanced.	Reduced.	Reversed.	Pending.
Tenasserim.	Colonel W. W. Pemberton, District Magistrate of Amherst	6	5	1	...	...	...	...
	Mr. G. L. Weidemann, District Magistrate of Shwegyin	10*	8	8	...	...	8	...
	Mr. A. R. Birks, District Magistrate of Toungoo	4	8	...	...	1	...	...
	Lieutenant-Colonel G. A. Strover, District Magistrate of Toungoo	15	7	1	...	5	2	...
	Captain T. M. Jenkins, Officiating District Magistrate of Toungoo	2	1	...	...	...	...	1
	Mr. C. J. A. Duke, District Magistrate of Tavoy	6	8	8	...	...	...	...
	Mr. D. G. Macleod, Sessions Judge of Moulmein	11	9	2	...	...	...	...
	Colonel A. G. Duff, Sessions Judge of Tenasserim	18	1	14	...	1	2	...
	Lieutenant-Colonel W. C. Plant, Sessions Judge of Tenasserim	8	4	1	...	...	1	2
	Total ...	80	86	25	...	7	8	8
	Grand Total ...	436	211	130	...	24	87	31
	In 1882 ...	282	108	99	4	16	40	15

The above table is worthy of close attention. The great increase of appeals is chiefly due to the increase in the number of appealable convictions, although a number of sentences passed by Deputy Commissioners with special powers are under the new rule of section 408 of the Procedure Code appealable to the Sessions Judge instead of the Judicial Commissioner. The number of appellants is 436; in 1882 it was 282: 211 persons had their appeals rejected, being 52 per cent. of the disposals. Many of the appeals are weak and frivolous, and the practice introduced into all the Courts of hearing the appellant if he happens to be in the same town enables the Court to clear up points of doubt which might otherwise lead to admission. While this practice gives the appellant every chance, the prompt average disposal upholds the impression of the sentences and the dignity of the Court below. The percentage of reversal to appeals determined was 9; in 1882 it was 14. The improvement is highly creditable to the Courts, especially to those from which most appeals have come. The District Magistrates reverse about 33 and the Sessions Judges 18 sentences out of every hundred appealed.

* In one case a new trial was ordered.

36. The work of the Judicial Commissioner's Court as a Court of revision is shown in the following table:—

Division.	District.	Number of persons whose cases were called for.	Sentence			Reversed.	Pending.	Remarks.	
			Confirmed.	*Modified.*					
				Enhanced.	Reduced.				
Arakan.	Akyab	38	23	4	8	1	2	2	new trials ordered.
	Kyaukpyu	97	63	3	4	18	7	2	ditto.
	Sandoway	19	14	2	...	1	...		
	Northern Arakan ...	...	...	...	...	...	...		
	Commissioner and Sessions Judge of Arakan ...	...	...	...	...	...	...		
	Total ...	154	100	9	12	20	9	4	ditto.
Pegu.	Hanthawaddy... ...	102	54	5	2	9	15	17	ditto.
	Pegu	104	86	3	7	6	...	2	ditto.
	Tharrawaddy	38	26	...	3	9	...		
	Prome	126	92	5	8	19	...	2	ditto.
	Commissioner and Sessions Judge of Pegu ...	...	...	...	...	...	...		
	Total ...	370	258	18	20	48	15	21	ditto.
Irrawaddy.	Henzada	247	165	2	5	69	5	1	ditto.
	Bassein	126	74	3	11	24	6	8	ditto.
	Thôngwa	96	72	4	4	8	5	3	ditto.
	Thayetmyo	112	71	1	5	35	...		
	Commissioner and Sessions Judge of Irrawaddy ...	...	...	...	...	...	...		
	Total ...	581	382	10	25	136	16	12	ditto.
Tenasserim.	Amherst	53	48	...	2	3	...		
	Shwegyin	82	45	7	4	18	6	2	ditto.
	Toungoo	33	27	...	4	1	1		
	Tavoy	12	7	1	...	2	1	1	ditto.
	Mergui	21	10	...	...	8	3		
	Salween	5	5	...	...	...	...		
	Moulmein	21	9	3	5	3	1		
	Commissioner and Sessions Judge of Tenasserim ...	2	1	...	...	...	1		
	Total ...	229	152	11	15	35	13	3	ditto.
	Grand Total ...	1,334	892	43	72	234	53	40	ditto,
	In 1882 ...	914	470	8	50	298	88		

The Judicial Commissioner had to enhance more sentences, as the new Procedure Code deprived Courts of appeal of that jurisdiction. The reductions are chiefly due to the gross ignorance of the Penal Code shown by many Magistrates who knew not section 65. Where the fine has been paid so that the illegal sentence in default was not executed I have shown it as confirmed. Many cases of betting which had been wrongly held to be gaming or lottery were also brought up and the convictions quashed. The total number of cases called for in 1883 was 637, of which the initiative was as follows:—

Called for by the Judicial Commissioner	341
Called for at instance of parties	61
Referred by Session Judges	89
Referred by District Magistrates	146
Total ...	637

37. The District Magistrates of Moulmein and Thôngwa 3 each, of Toungoo, Tavoy, and Amherst 2 each, of Sandoway, Mergui, and Salwêen 1 each, of Tharrawaddy, Prome, and the Sessions Judge of Pegu 8 each, the Sessions Judge of Arakan 16, of Irrawaddy 45, of Tenasserim 13, of Moulmein 7, the District Magistrate of Akyab 10, of Kyaukpyu 19, of Hanthawaddy 17, of Pegu 5, of Bassein 12, of Henzada 13, of Thayetmyo 21, and of Shwegyin 18. The Sessions Judges have done more or less inspection. It is only in the Pegu division where this has not been well done, and Colonel Street has an undoubted excuse in the heavy amount of sessions and appeal work. The Judge of Irrawaddy called for 356 cases; the Deputy Commissioner of Shwègyin for 149. I believe the Deputy Commissioners have all more or less inspected cases and Courts though they do not all report the facts. Particular attention has been given to inadequate sentences, and generally I believe they have a better hold over subordinates. There is less of this in the hard-worked districts, such as Bassein or Prome, but there the influence of Mr. St. Barbe and Major Alexander is generally felt. In several districts the Judicial Commissioner had to do work that properly belongs to the District Magistrate. The statistics of this report appear to me to show that the policy which led to a separate Commissioner of Irrawaddy and to several new Deputy Commissioners in recent years has been justified by results, and it is worthy of consideration whether some of the money available for paying more Judges of the Special Court would not be as well spent in making more Deputy Commissioners.

38. During last year and in the beginning of this I have visited many districts of the province, but the great increase of work of the Special Court and my own Court kept me more at Rangoon than I wished. For some years to come these tours will be required in the exercise of superintendence, but at all times my endeavour has been to induce the District Magistrates to do more of this work. I have made few rules of procedure but provided guides in the shape of printed judgments and directions many of which are translated. But in some districts I found when on tour that Deputy Commissioners had not forwarded them, and that in other cases the subordinates had not read them or had forgotten them.

39. I am decidedly of opinion that one certain advantage in the future consists in the employment as Magistrates of men who have entered the service through the Myoôks' examination held by the Educational Syndicate.

40. As the work of the public prosecutors has received some attention from Government, I may state my opinion that the system introduced after full consideration on the 30th November 1881 by Mr. Bernard is likely to be of permanent value. During 1883 I revised the rules about advocates, and at my request the Educational Syndicate has agreed to conduct the examinations, which will henceforth be in English. The law assumes that these officials will be of much use to the Courts, and I would earnestly deprecate any expressions of opinion which would seem to release them from the proper performance of their duties. It is desirable that their work should receive some superintendence, as in other provinces, from the Legal Remembrancer; they should be encouraged to point out aggravating circumstances and to move the Court to commit to sessions where the gravity of the case requires it. I would be sorry to see the passing prevalence of violent crime interpose so as to hide the necessity of general improvement, which must begin at the bottom. The grievous want of higher education here causes many errors. No Burman has yet taken the degree of B. A. or L. L. B. It is not easy to get subordinates well acquainted with English or competent to make translations, and as yet the few Burmans qualified have not written vernacular manuals on the codes, the law of evidence, tort, or contract. Every increase of higher education will aid the administration of justice. It is daily pressed on my experience that many of the mistakes which occupy my Court of revision might be avoided by men acquainted with English or even trained to open the book of law before disposing of the case.

41. The sentences of 43 persons were enhanced by the Judicial Commissioner and new trials ordered of 40 persons. The most frequent cause was the omission of the Magistrate to take notice of such facts as the use of a deadly weapon

in theft, robbery, or hurt, the grievous nature of hurt, or that what they treated as a minor offence was attempt at murder or rape. In many cases the fact of previous convictions or the habit of theft was treated with levity. Very many of these cases were reported by the Deputy Commissioner or Sessions Judge, and abundant instances occur showing that without this jurisdiction society will be injured by the very worst criminals receiving sentences not exceeding two years. The new Procedure Code places this extraordinery power of enhancement under new and salutary provisions. It may however be urged that if it did not exist, the District Officers would be more thorough in their control of the local Courts. I explain the reasons why it has been so much resorted to, as otherwise it might be that the Legislature would consider the action arbitrary and limit the present powers, as it has already done in regard to interference with acquittals and in repealing the enhancing powers of all Courts of appeal. Any general habit of enhancing would be a general interference with other duly established Courts and would create a discontent among the presiding officers. I have tried to work this jurisdiction with the aid of their opinions and in open Court. Where, as on many occasions, I have deemed it right not to interfere unless the Government undertook to see after a new trial or to argue that the prevalence of a particular crime required a severer sentence than the responsible Magistrate had passed, I have adopted the procedure of hearing the Government Advocate. His assistance is of great advantage, and whatever jealousy and alarm are likely to arise among the public from the frequent exercise by a sole Judge of what might degenerate into arbitrary power or mere individual discretion, these dangers are reduced as much as may be when the proceedings are held in public and it is known that not even the Crown can address private argument to the Judge. So many matters have to be considered with circumspection before interference, especially before enhancing, as to induce me whenever possible to have the convict before me, especially if the motion to enhance has been made by the Crown. During the future every means should be taken of ensuring that the Magistrates will not shut their eyes either to previous convictions or the use of deadly weapons. I have had to require them to take medical evidence where the wound is severe; otherwise to avoid trouble to the Civil Surgeon many Magistrates would refrain from calling him as a witness. If the lower Courts observe proper care and the Government prosecutors act up to their duty, the dangerous interferences with sentences from above will diminish in number. Almost as often as I have had to correct an important mistake, I have printed the judgment and in many cases translated it for the use of all Courts. But I regret to say the same errors are continually repeated, and without circuit tours these printed orders would be forgotten by many Magistrates.

42. The work of the Honorary Magistrates keeps on increasing; they tried 2,969 persons, being 8 per cent. of persons tried by Magistrates. Of these, 1,831, mostly for breach of municipal rules, were tried in Moulmein, where, according to the Deputy Commissioner, they have sat regularly, done good work, and given satisfaction. There is great need of them there as the Assistant Magistrate delays cases, having, he says, little time to spare. The honorary bench at Toungoo is said to have given great assistance and worked well. A similar report is made from Akyab. At Bassein they were of great service and tried 157 cases, mostly of assault and abuse. At Henzada they tried such cases satisfactorily, but are said not to have been severe enough with thefts and receivings. At Prome they did not sit regularly, but better arrangements have been made this year and they are doing well. I am of opinion that the honorary benches like the other subordinate magistracy will be of great service to justice, provided the Deputy Commissioners will exercise proper oversight and instruct them in difficult cases. Like the others, the Honorary Magistrates must be hampered by the want of books in the Burmese language.

43. The number of persons tried by summary procedure was 2,777; in 1882 it was 2,530.

44. The following table shows the work of the Court of the Judicial Commissioner as a Court of reference for the confirmation of capital sentences :—

Division.	Name of Sessions Judge.	Number of capital sentences referred for confirmation.	Number of capital sentences confirmed.	Number modified.	Number of persons acquitted.	Pending.
Arakan	Colonel E. B. Sladen, Sessions Judge of Arakan	5	3	1	...	1
	Lieutenant-Colonel G. A. Strover, Officiating Sessions Judge of Arakan	1	1	...	...	...
Pegu ...	Colonel C. W. Street, Sessions Judge of Pegu	12	9	...	1	2
Irrawaddy ...	Mr. G. J. S. Hodgkinson, Sessions Judge of Irrawaddy	8	6	...	...	2
Tenasserim ...	Mr. D. G. Macleod, Sessions Judge of Moulmein	1	1	...	...	...
	Colonel A. G. Duff, Sessions Judge of Tenasserim	4	3*	...	...	...
	Lieutenant-Colonel W. C. Plant, Sessions Judge of Tenasserim	4	2	...	...	2
	Total ...	35	25	1	1	7
	In 1882 ...	29	18	7	3	1

45. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Division.	District.	Number of processes issued.	Receipts from process fees.			Charges, including salaries of process-servers, contingencies, &c.		
			Rs.	A.	P.	Rs.	A.	P.
Arakan ...	Akyab	2,990	2,136	0	0	1,084	10	0
	Kyaukpyu	772	514	0	0	441	4	0
	Sandoway	636	440	8	0	264	0	0
	Northern Arakan	...	...			...		
	Total ...	4,398	3,090	8	0	2,689	14	0
Pegu ...	Hanthawaddy	967	695	8	0	552	4	0
	Pegu	1,288	887	8	0	984	0	0
	Tharrawaddy	1,402	1,024	0	0	559	13	0
	Prome	3,163	2,212	8	0	1,705	8	0
	Total ..	6,815	4,819	8	0	3,751	9	0
Irrawaddy ...	Henzada	2,445	1,878	0	0	1,080	0	0
	Bassein	3,860	2,334	0	0	1,384	0	0
	Thôngwa	2,182	1,572	0	0	909	2	0
	Thayetmyo	1,044	698	8	0	528	0	0
	Total ...	9,031	6,477	8	0	3,901	2	0
Tenasserim ...	Amherst...	1,926	1,360	0	0	492	0	0
	Shwegyin	1,702	1,174	8	0	864	9	10
	Toungoo	2,275	1,882	0	0	736	0	0
	Tavoy	492	361	0	0	312	0	0
	Mergui	985	727	0	0	149	0	0
	Salween...	58	38	8	0	53	8	0
	Moulmein	4,319	3,295	0	0	1,572	0	0
	Total ...	11,752	8,338	0	0	4,179	1	10
	Grand Total ...	31,996	22,725	8	0	14,521	10	10
	In 1882 ...	26,827	18,953	8	0	12,266	18	0

46. Mr. J. F. Browne, Judge of the 24-Perganas in Bengal, acted as Judicial Commissioner from the 5th April to the 11th June 1883.

JOHN JARDINE,
Judicial Commissioner, British Burma.

* One died.

APPENDICES TO PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

Judicial Statement No. 1 (Criminal).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in Rangoon Town, in the province of British Burma, on the last day of the year 1883, with the cost of tribunals.

Name of province.		Area.	Population.	Number of divisions for Courts under Chief Courts but superior to Chief Court of districts.	Number of districts.	Total number of officers exercising original or appellate jurisdiction: Number of sub-districts.	Judges of Chief Courts of province.	Judges of other Courts superior to Chief district Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Total number of cases decided: Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Province of British Burma.																Rs. A. P.	Rs. A. P.	
Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*a* The Rangoon Cantonment. *b* The Recorder of Rangoon. *c* Special Magistrates (called Honorary).
	Criminal...	45 sqr. miles.	134,176	...	1	1*a*	1*b*	...	1	1	10*c*	5,784*d*	136*e*	100*f*	60*g*	38,376 12 0*h*	37,443 8 5*i*	*d* (1) By Honorary Magistrates ... 1,135 (2) By Extra Assistant Commissioner ... 189 (3) By Assistant Magistrate ... 3,225 (4) By Town Magistrate ... ... 465 (5) By Recorder as a High Court ... 5 (6) By Recorder as a Sessions Judge ... 65 Total ... 5,784
	Revenue	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*e* By Town and Assistant Magistrates ... 136 *f* (1) By Town Magistrate ... ... 13 (2) By Recorder ... ... 87 Total ... 100
Territory not subject to the High Court.	Civil ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*g* By Recorder ... ... 60 Total ... 60
	Criminal. .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Rs. A. P. *h* (1) By Honorary Magistrates ... 6,389 0 0 (2) By Extra Assistant Commissioner 798 0 0 (3) By Assistant Magistrate ... 3,916 8 0 (4) By Town Magistrate ... ... 27,283 4 0 Total 38,376 12 0
	Revenue.	...	...	...	...	...	...	...	...	...	...	...	...	..	..	...	...	*i* (1) Honorary Magistrates ... ... 2,059 0 0 (2) Extra Assistant Commissioner ... 1,225 3 0 (3) Assistant Commissioner ... 13,262 0 0 (4) Town Magistrate 20,897 5 5
Total ...		...	134,176	...	1	1	1	...	1	1	10*c*	5,784	136	100	60	38,376 12 0	37,443 8 5	Total 37,443 8 5

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of Offences reported and of Persons Tried, Convicted, Acquitted, and Committed in each Class of Offence in the Town of Rangoon in the Province of British Burma in the year 1883.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
				Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Offences against public tranquillity, Chapter VIII	36	36	36	160	55	100	...	5	
Offences by, or relating to, public servants, Chapter IX	7	7	7	7	2	4	...	1	
Contempts of the lawful authority of public servants, Chapter X	8	8	8	9	4	4	...	1	
False evidence and offences against public justice, Chapter XI... ...	54	54	54	77	23	49	...	2	3 committed.
Offences relating to coin and Government stamps, Chapter XII	2	...	...	...	...	...	...	...	
Offences relating to weights and measures, Chapter XIII	1	1	1	1	...	1	...	...	
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV	122	122	122	215	49	160	...	6	
Offences relating to religion, Chapter XV	1	1	1	1	1	...	...	...	
Offences affecting life...	28	25	25	32	10	3	1	3	15 committed.
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	1	1	1	3	3	...	...	...	
Hurt	174	165	162	223	101	117	...	...	5 committed.
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement ...	15	15	15	25	17	6	...	2	
Criminal force and assault	1,025	908	908	1,523	1,011	510	...	...	2 committed.
Kidnapping, forcible abduction, slavery, and forced labour	19	14	14	25	14	3	...	...	8 committed.
Rape	3	2	2	2	1	...	...	...	1 ditto.
Unnatural offence	3	2	2	4	...	...	...	2	2 ditto.
Theft	1,349	585	555	662	161	485	...	8	8 ditto.
Extortion	3	4	3	4	3	1	...	...	
Robbery and dacoity	46	47	41	125	19	24	...	4	78 committed.
Criminal misappropriation of property	9	9	9	10	5	5	...	...	
Offences against property Chapter XVII. — Criminal breach of trust	47	46	46	49	19	25	1	1	3 committed.
Receiving stolen property	46	46	46	57	23	28	...	2	4 ditto.
Cheating	30	30	30	36	19	11	...	3	3 ditto.
Fraudulent deeds and disposition of property ...	...	...	...	...	...	...	...	...	
Mischief	10	10	10	15	7	7	...	1	
Criminal trespass	112	105	105	151	61	75	1	1	13 committed.
Offences relating to documents and to trade or property marks, Chapter XVIII ...	1	1	1	1	1	...	...	...	
Criminal breach of contract of service, Chapter XIX	1	1	1	1	...	1	...	...	
Offences relating to marriage, Chapter XX	48	48	48	50	39	9	...	...	2 committed.
Defamation, Chapter XXI	21	21	21	25	19	6	...	...	
Criminal intimidation, insult, and annoyance, Chapter XXII	310	310	310	672	460	212	...	...	
Offences under special and local laws	3,172	3,166	3,130	4,480	620	3,857	2	...	1 committed.
Total	6,718	5,790	5,714	8,645	2,747	5,703	5	42	148

JUDICIAL STATEMENT No 3 (CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Town of Rangoon during 1883.

NATURE OF PROCEEDINGS.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250	1	1	...	1	
2. Proceedings against witnesses under Chapter VI	...	...	...	...	
3. Forfeiture of bail or recognizance under Chapters XXXIX and XLII	12	16	2	14	
4. Non-attendance of jurors or assessors, Chapter XXIII, section 339	...	...	...	...	
5. Contempts of Court under Chapter XXXV	1	1	...	1	
6. Proceedings under Chapter VIII to prevent breach of the peace	10	16	5	11	
7. Security for good behaviour under Chapter VIII	78	89	37	52	
8. Proceedings against local nuisances, Chapters X and XI	...	..	...	...	
9. Possession, Chapters XII and XLIII	1	1	1	...	
10. Maintenance, Chapter XXXVI	33	33	23	10	
Total ...	136	157	68	89	

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the Rangoon Town Sessions Division in the Province of British Burma during the year 1883.

CLASS OF COURT.	Total number of persons under trial *	PERSONS WHOSE CASES WERE DISPOSED OF					Persons remaining under trial at the end of the year	Number of cases disposed of during the year.†	Average number of days during which each case lasted	Number of witnesses examined	REMARKS.
		Died, escaped, or transferred to another province	Discharged or acquitted.	Convicted.							
				On regular trial.	On summary trial.	Committed or referred					
1	2	3	4	5	6	7	8	9	10	11	12
Honorary Magistrates	2,078	..	1,353	241	484	..	...	1,135	1	4,362	
Benches of Magistrates	.	..	.	.	...	..	...	.	...	..	
Extra Assistant Commissioner	337		143	192	..	2	...	189	6½	476	
Assistant Magistrate	5,634	3	1,068	365	4,059	96	23	3,925	1½	5,962	
Town Magistrate and Deputy Commissioner	596	2	163	142	220	50	19	465	3	1,296	
Recorder's Court — As a Court of Sessions	132	1	41	89	...	...	1	65	37½	509	
Recorder's Court — As a High Court	6	...	3	3	...	...		5	65	29	
TOTAL	8,783	6	2,791	1,032	4,763	18	43	5,784	2	12,654	

* That is the total of the entries in columns 3 to 8 The cases of persons transferred from one Court to another in *the same province* will appear only against the Court by which decided, or in which pending at the end of the year if not decided.

† Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL.

Statement showing the Punishments inflicted by the various tribunals in the Rangoon Town Sessions Division in the Province of British Burma during the year 1883.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENT.																
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or surrender for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.†	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A.	Rs. A.	Rs.									
Subordinate Magistrates. — Benches of Magistrates	...	...	...	7	1	...	716	1	...	...	518	198	...	...	...	...	3,488 0	3,344 0	139	2	6	...	...	...	1	...	...	...
Subordinate Magistrates. — Extra Assistant Commissioner	...	...	...	45	...	...	138	9	6	4	122	11	4	1	...	...	2,129 8	336 8	15	5	32	8	...	...	2	7	...	...
Subordinate Magistrates. — Assistant Commissioner	...	...	...	642	220	...	3,521	73	41	39	3,031	438	20	26	6	...	36,158 5	27,025 4	1,298	350	366	146	...	...	31	34	8	...
Chief Magistrates of Districts	...	...	...	187	1	...	155	39	16	16	58	80	11	6	...	...	973 12	687 8	250	15	110	63	...	...	5	9	25	...
Court of Sessions* (Recorder)	3	35	...	49	1	...	3	1	...	...	...	...	3	...	...	...	300 0	.....	...	1	2	11	31	5	1	...	...	...
Court of the Recorder of Rangoon sitting as a High Court	1	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	2	...	...	...	...	...	...
Total ...	4	35	...	932	223	...	4,533	123	63	52	3,729	727	38	33	6	...	43,049 9	31,993 4	1,702	373	516	230	31	5	40	50	33	...

* Include cases decided by Sessions Judges on reference under sections 18 and 36, Criminal Procedure Code.
† Include fines realized during the year though imposed in previous years.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing Whippings inflicted under sections 2 and 3, Act VI 1864, in lieu of other punishment in the Rangoon Town District for the year 1883.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED.													
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
In lieu of other punishment (Sections 2 and 3, Act VI, 1864) ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
1. Theft as defined in Section 379, I. P. C.	6	...	16	...	11	1	1	...	...	...	4	...	39	
1. Theft as defined in Section 380 „ ...	4	...	8	...	15	...	12	3	...	...	11	...	53	
1. Theft as defined in Section 381 „ ...	...	...	1	...	...	...	1	...	...	...	..	...	2	
1. Theft as defined in Section 382 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 388 „ ...	...	..	...	...	...	...	...	...	...	...	...	.	...	
2. Extortion as defined in Section 389 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property as defined in Section 411 „ ...	...	...	...	...	...	..	1	...	...	...	...	...	1	
3. Dishonestly receiving stolen property as defined in Section 412 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4. Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	...	...	...	...	...	...	
Criminal breach of trust, section 406, I. P. Code	1	...	...	...	...	...	...	...	...	...	...	...	1	
5. Lurking house-trespass by night as defined in section 444 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6. Housebreaking as defined in section 445	...	...	...	...	...	...	...	...	...	...	...	...	..	
7. Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	...	...	...	...	...	...	
8. Offence under section 14, Act III, 1880	...	...	...	...	...	...	...	...	...	...	...	...	...	
											Total ...		96	

PART II.

Statement showing Whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in the Rangoon Town District for the year 1883.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.							
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	
In addition to other punishment (Sections 3 and 4)	...	...	...	...	...	...	...	
A.—Section 3.								
1. Theft as defined in Section 379, I. P. C. ...	...	1	...	3	...	5	9	
1. Theft as defined in Section 380 „ ...	...	1	1	1	...	11	14	
1. Theft as defined in Section 381 „ ...	...	...	...	...	...	...	...	
1. Theft as defined in Section 382 „ ...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 388 „ ...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 389 „ ...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property as defined in Section 411 „ ...	...	...	...	...	...	1	1	
3. Dishonestly receiving stolen property as defined in Section 406 „ ...	...	1	...	...	...	...	1	
Criminal breach of trust	...	...	...	...	...	...	...	
4. Lurking house-trespass as defined in section 443 ...	...	...	...	...	...	...	...	
5. Lurking house-trespass by night as defined in section 444 ...	...	...	...	..	...	...	...	
6 Housebreaking as defined in section 445	...	...	...	...	...	...	...	
7. Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	
8. Offences under section 14, Act III, 1880	...	...	...	...	...	...	..	
B.—Section 4.								
1. False evidence as defined in Section 193, I. P. C. ...	...	...	...	...	...	...	...	
1. False evidence as defined in Section 194 „ ...	...	...	...	...	...	...	...	
1. False evidence as defined in Section 195 „ ...	...	...	...	...	...	...	...	
2. False charge of unnatural offence as defined in sections 211 and 377 ...	...	...	...	...	...	...	...	
3. Assault as defined in section 354	...	...	...	...	...	...	...	
4. Rape as defined in section 375	...	...	...	...	...	...	...	
5. Unnatural offence as defined in section 377	...	..	...	...	...	...	...	
6. Robbery as defined in section 390	...	...	...	1	...	...	1	
7. Dacoity as defined in section 391, I. P. C.	...	...	...	...	...	...	...	
8. Attempt at robbery as defined in section 393	...	...	...	...	...	...	...	
9. Hurt in committing robbery as defined in section 394	...	...	...	...	...	...	...	
10. Receiving stolen property as defined in section 413	...	...	...	...	...	...	...	
11. Forgery as defined in Section 463, I. P. C. ...	...	...	...	...	...	...	...	
11. Forgery as defined in Section 466 „ ...	...	...	...	..	...	...	...	
11. Forgery as defined in Section 467 „ ...	...	...	...	...	...	...	...	
11. Forgery as defined in Section 468 „ ...	...	...	...	...	...	...	...	
11. Forgery as defined in Section 469 „ ...	...	...	...	...	...	...	...	
12. Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	
13. Lurking house-trespass by night as defined in section 444 ...	..	...	...	...	...	...	...	
14. Housebreaking as defined in section 445	...	...	...	.	...	...	...	
15. Housebreaking by night as defined in section 446	...	...	...	...	...	..	...	
					Total ..		26	

NOTE.—Include juveniles punished under any of these heads.

PART III.

Statement showing Whippings inflicted under section 5, Act VI of 1864, on Juveniles for Offences other than those specified in Parts I and II in the Rangoon Town District for the year 1883.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Keeping lottery office, section 20iA, I. P. Code ...	1	...	...	...		...	...	...	...	...	...	..	1	...
Total ...	1	...	...	...	...	...	...	...	...	...	...	...	1	...

PART IV.

Statement showing relative number of times Whipping was awarded as compared with other Punishments in the Rangoon Town District for the year 1883.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded *	123	
2. Total number of other punishment †	5,033	
Percentage of whippings ...	2·18	

* Total of column 14, Parts I and III, and of column 8, Part II.
† Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

Judicial Statement No. 6 (Criminal).

Statement showing the Result of Appeal and Revision in Criminal Cases in the Rangoon Town Sessions Division in the Province of British Burma in the year 1883.

Tribunal	Number of persons.												Remarks.
	Total number of appellants and applications for revision before the Court.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts	14	...	11	3	...	...	...	...	...	...	...	3	
To Courts of Session	94	...	54	15	...	7	11	...	4	...	3	10·18	One transferred to District Magistrate for disposal.
To High Court	...	...	...	...	...	...	...	...	...	...	...	...	One referred to Special Court.
Total ...	108	...	65	18	...	7	11	...	4	...	3	...	
Revisions.													
By Chief Magistrates of districts	...	...	...	...	...	...	...	...	...	...	...	...	
By Courts of Session (Recorder)	...	...	...	...	...	...	...	...	...	...	...	...	
By High Court	61	...	11	6	...	3	24	1	16	...	...	14·82	
Total ...	61	...	11	6	...	3	24	1	16	...	...	14·82	
Grand Total ...	169	...	76	24	...	10	35	1	20	...	3	...	

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of Jurors and Assessors in the Criminal Courts in Rangoon Town in the Province of British Burma in the year 1883.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.	Established average or number of jurors or assessors in each case and proscribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS TRIALS.			REMARKS.
				Cases in which the Judge approved of the verdict.	*Cases in which the Judge did not approve of the verdict*		*Number of persons of the verdict in respect to whom the Judge disapproved.*		Number of cases in which Judge agreed with assessors.	*Number of cases in which Judge differed from*		
					Wholly.	Partially.	Whose cases he referred under section 307, C. P. C.	Whose cases he did not refer under section 263, C. P. C.		One assessor.	Both assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
RECORDER'S COURT — Exercising the powers of a Court of Session ...	5	61	...	60	1	...	1	...	...	...	...	Two cases were withdrawn by the Government Advocate and the prisoners in two cases pleaded guilty.
RECORDER'S COURT — Exercising the powers of a High Court		4	...	4	...	...	...	...	...	...	...	A prisoner in one case pleaded guilty.
Total ...	...	65	...	64	1	...	1	...	...	...	...	

Note in what classes of cases Juries and Assessors have been principally employed.

APPENDICES TO PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the number of Judicial Divisions and the number of Officers exercising Appellate or Orginal Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1883, with the cost of Tribunals.

NAME OF PROVINCE.		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
							Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appeals.				
												Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs. A. P.	Rs. A. P.	
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court. — Civil	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	
	Territory subject to the High Court. — Criminal	...	87,175	3,602,595	4	19	35	1	5	19	33	99	24,054	1,566	2,017	.	4,15,296 1 10	8,21,958 0 0	
	Territory subject to the High Court. — Revenue	...	...	.	...	...	.	...	...	...	...	...	...	..	...	...	...	...	
	Territory not subject to the High Court. — Civil	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court. — Criminal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court. — Revenue	...	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	*This includes civil and criminal under orders contained in resolution No 24-1552—62, dated 20th October 1882.
	Total	...	87,175	3,602,595	4	19	35	1	5	19	33	99	24,054	1,566	2,017	...	4,15,296 1 10*	8,21,958 0 0*	

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

DESCRIPTION OF OFFENCE.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year	NUMBER OF PERSONS					REMARKS.
				Under trial during the year, including pending from previous year.*	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another Province.†	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Offences relating to the Army and Navy, Chapter VII	..	...	...	..	...	...	...	...	
Offences against the public tranquillity, do. VIII	...	...	428	402	383	2,333	867	1,445	2	19	
Do. by, or relating to, public servants, do. IX	...	...	87	88	81	132	65	61	3	2	1 committed.
Contempts of the lawful authority of public servants, Chapter X	...	...	154	152	153	235	122	113	..	..	
False evidence and offences against public justice, do. XI	...	...	451	424	397	555	190	332	15	13	5 ditto.
Offences relating to coin and Government stamps, do. XII	...	...	23	17	15	23	6	13	...	...	3 ditto.
Do. relating to weights and measures, do. XIII	..	..	10	10	10	18	3	15		...	
Do. affecting the public health, safety, convenience, decency, and morals Chapter XIV	...	...	1,175	941	881	1,023	523	1,066	27	7	
Do. relating to religion, Chapter XV	...	...	20	18	18	39	8	27	...	4	
Offences affecting the human body, Chapter XVI. — Offences affecting life	..	..	338	294	264	409	158	71	4	5	171 ditto.
Causing of miscarriage, injuries to unborn children, exposure of infants, and concealment of births	..	..	5	5	5	20	15	..	.	.	5 ditto.
Hurt	...	...	2,244	2,240	1,934	3,298	1,702	1,447	26	84	39 ditto.
Wrongful restraint and wrongful confinement	.	...	82	70	68	133	78	53	2	...	
Criminal force and assault	.	...	2,763	2,552	2,398	3,634	2,111	1,444	19	60	
Kidnapping, forcible abduction, slavery, and forced labour			113	70	67	86	52	22	1	2	6 ditto.
Rape	...	..	152	74	61	71	34	20	.	6	9 ditto.
Unnatural offence	...	...	42	37	36	48	23	21	.	.	1 ditto.
Offences against property, Chapter XVII — Theft	...	...	12,229	9,000	5,570	7,526	2,813	4,535	91	62	25 ditto
Extortion	..	...	58	56	54	100	52	41	...	..	7 ditto.
Robbery and dacoity	...	...	335	253	201	500	182	171	8	21	178 ditto.
Criminal misappropriation of property		...	309	245	202	303	138	170	1	4	
Criminal breach of trust	...	...	263	220	196	216	117	96	6	5	2 ditto.
Receiving of stolen property	...	...	547	438	398	611	217	382	4	5	3 ditto.
Cheating	..	...	197	172	167	229	26	86	10	7	
Fraudulent deeds and disposition of property	...	...	3	2	2	4	2	2	...		
Mischief	...	...	808	695	539	898	576	293	1	23	5 ditto.
Criminal trespass	...	..	1,812	1,530	1,120	1,725	924	744	14	29	14 ditto.
Offences relating to documents and to trade or property marks, Chapter XVIII			13	13	13	31	16	5	4	1	5 ditto.
Criminal breach of contracts of service, do. XIX	...		16	15	15	17	8	9	...	..	
Offences relating to marriage, do. XX	...		136	123	120	134	105	17	3	2	7 ditto.
Defamation, do. XXI	...		87	81	81	118	62	50	...	6	
Criminal intimidation, insult and annoyance do. XXII	...		1,744	1,693	1,682	2,318	1,409	865	8	36	
Attempts to commit offences do. XXIII	...		1	1	1	2	2		...	..	
Offences under special and local laws	..	...	6,591	6,074	5,974	10,646	2,429	8,080	75	62	
Total	..		33,236	27,994	23,106	38,094	15,123	21,696	324	465	486 ditto.

* That is, the totals of columns 6 to 9

† Persons transferred from one Court to another in the same Province are not to be entered in this column

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1883.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250	5	5	1	4	
2.—Proceedings against witnesses under Chapter VI	1	1	...	1	
3.—Forfeiture of bail or recognizance under Chapters XXXIX and XLII	40	75	15	60	
4.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	1	2	...	2	
5.—Contempts of Court under Chapter XXXV	13	14	5	9	
6.—Proceedings under Chapter VIII to prevent breach of the peace	58	193	35	117	40 remaining under trial. 1 died, escaped, or transferred.
7.—Security for good behaviour under Chapter VIII	1,335	1,529	525	983	12 remaining under trial. 9 died, escaped, or transferred.
8.—Proceedings against local nuisances, Chapters X and XI	7	7	6	1	
9.—Possession, Chapters XII and XLIII	1	2	...	2	
10.—Maintenance, Chapter XXXVI	192	192	73	115	3 remaining under trial. 2 died, escaped, or transferred.
Total ..	1,653	2,020	659	1,294	55 remaining under trial. 12 died, escaped, or transferred.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the Province of British Burma in the year 1883, exclusive of the Town of Rangoon.

CLASS OF COURT.	Total number of persons under trial. †	PERSONS WHOSE CASES WERE DISPOSED OF.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.§	Average number of days during which each case lasted.	Number of witnesses examined.	REMARKS.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 14...	227	6	98	120	...	...	3	123	8	311	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Magistrates sitting singly.	30,781	256	12,693	15,397	1,684	356	395	18,894	8	70,604	
Subordinate Magistrates... Benches of Honorary Magistrates ...	3,001	22	932	1,646	391	...	10	1,790	7	2,639	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code	661	1	160	493	...	7	...	524	4	491	
Chief Magistrates of districts	3,424	39	1,240	1,263	702	123	57	2,167	9	10,562	
Courts of Session *	827	2	186	590	...	...	49	532	30	2,806	
Superior Courts †	35	1	1	26	...	...	7	25	16	...	
Total ...	38,956	327	15,310	19,535	2,777	486	521	24,054	8	87,413	

* Include cases decided by Sessions Judges on reference under sections 31 and 34, Criminal Procedure Code.
† Include cases decided by the High Court on reference under sections 307 and 374, Criminal Procedure Code.
‡ That is, the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another in the same province will appear only against the Court by which decided or in which pending at the end of the year if not decided.
§ Omit cases in which the accused died, escaped, or was transferred.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the Punishments inflicted by the various Criminal Tribunals in the Province of British Burma exclusive of the Town of Rangoon, in the year 1883.

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																		
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.				
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year‡	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Subordinate Magistrates. — Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Special Magistrates under section 14	...	...	...	5	2	3	98	15	...	...	61	30	6	1	...	...	2,284 4 0	2,184 4 0	.....	1	6	...	...	...	15	...	...	...
Honorary Magistrates sitting singly	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly	...	...	...	6,070	129	...	11,322	559	847	390	6,911	3,667	572	167	5	...	1,99,148 1 3	1,36,319 7 1	18,509 2 11	640	4,188	1,348	23	...	144	290	125	...
Benches of Magistrates	...	...	...	36	1	...	2,004	...	...	...	1,934	70	...	...	...	...	6,940 1 0	6,765 9 0	283 8 0	16	21	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code	...	4	...	436	...	...	50	89	...	...	13	16	16	5	...	...	5,795 8 0	2,726 8 0	130 0 0	2	112	294	28	...	14	42	33	...
Chief Magistrates of districts	...	44	...	1,025	37	...	954	73	274	144	562	268	75	43	5	1	32,146 14 9	18,598 14 0	2,847 2 3	65	335	312	350	...	11	31	31	1
Courts of Session*	34	119	...	432	3	...	15	1	...	...	...	4	3	7	1	...	3,020 0 0	370 0 0	.....	5	17	21	365	27	1	...	...	...
Superior Courts†	25	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Total	59	168	...	8,004	172	3	14,443	737	1,121	534	9,481	4,055	672	223	11	1	2,49,334 13 0	1,66,964 10 1	21,768 13 2	729	4,679	1,975	766	27	185	363	189	1

* Includes cases decided by Sessions Judges on reference under sections 31 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under sections 307 and 374, Criminal Procedure Code.
‡ Includes fines realized during the year though imposed in previous years.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing Whippings inflicted under sections 2 and 3 of Acts VI of 1864, in lieu of other Punishment, in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1883.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES AWARDED													REMARKS.
	5 and under.		6 to 10.		11 to 15.		16 to 20,		21 to 25.		26 to 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
In lieu of other punishment (sections 2 and 3, Act VI, 1864)—														
1.—Theft as defined in section 378, I. P. C.	5	...	23	1	16	...	10	8	5	...	3	1	72	
1.—Theft as defined in section 380, do.	10	...	72	8	92	...	72	16	12	...	39	2	323	
1.—Theft as defined in section 381, do.	...	...	2	...	2	...	...	...	...	...	...	...	4	
1.—Theft as defined in section 382, do.	...	...	...	...	...	...	...	...	...	...	...		...	
2.—Extortion as defined in section 388, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1	
2.—Extortion as defined in section 389, do.	...	...	...	...	...	...	...	...	...	..	...	.	...	
3.—Dishonestly receiving stolen property as defined in section 411, I. P. C.	...	...	...	...	3	...	7	...	...	...	2	...	12	
3.—Dishonestly receiving stolen property as defined in section 412, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
4.—Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	...	...	..	...	...	...	
5.—Lurking house-trespass by night as defined in section 444 ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
6.—Housebreaking as defined in section 445	...	...	...	...	...	...	...	...	...	...	...	...	...	
7.—Housebreaking by night as defined in section 446	..	...	...	...	...	..	1	...	...	...	...	...	1	
8.—Offence under section 14, Act III of 1880	...	...	...	...	...	...	1	...	...	...	...	...	1	
													415	

NOTE.—Include juveniles punished under any of these heads.

PART II.

Statement showing Whippings inflicted, in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1883.

OFFENCES FOR WHICH AWARDED.	NUMBER OF STRIPES.							REMARKS.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	
1	2	3	4	5	6	7	8	9
In addition to other punishment (sections 3 and 4)—								
A.—Section 3.								
1.—Theft as defined in section 378, I. P. C.	...	1	3	6	.	9	19	
1.—Theft as defined in section 380, do.	...	3	17	20	6	41	87	
1.—Theft as defined in section 381, do.	...	...	...	..	.	..	.	
1.—Theft as defined in section 382, do.	.	..	...	.	...	...	.	
2.—Extortion as defined in section 388, do.	...	...	...	..	...	..		
2.—Extortion as defined in section 389, do.	..	...	...	...	...	...	..	

PART II.

Statement showing Whippings inflicted, in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1883—(concluded).

Offences for which awarded.	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
3.—Dishonestly receiving stolen property as defined in section 411, I. P. C.	...	...	...	1	...	...	1	
3.—Dishonestly receiving stolen property as defined in section 412, do.	...	...	1	...	...	...	1	
4.—Lurking house-trespass as defined in section 443		...	...	...	...	...	...	
5.—Lurking house-trespass by night as defined in section 444	...	...	...	...	...	...	...	
6.—Housebreaking as defined in section 445	...	...	...	...	...	...	...	
7.—Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	
8.—Offences under section 14, Act III, 1880	...	...	...	...	...	...	...	
B.—Section 4.								
1.—False evidence as defined in section 193, I. P. C.	...	...	...	...	...	...	...	
1.—False evidence as defined in section 194, do.	...	...	...	...	...	...	...	
1.—False evidence as defined in section 195, do.	...	...	...	...	...	...	...	
2.—False charge of unnatural offence as defined in sections 211 and 377	...	...	...	...	...	...	...	
3.—Assault as defined in section 354	...	...	...	...	...	...	...	
4.—Rape as defined in section 375	...	...	...	...	...	...	...	
5.—Unnatural offence as defined in section 377	...	...	...	...	...	...	...	
6.—Robbery as defined in section 390	...	...	...	...	...	...	...	
7.—Dacoity as defined in section 391, I. P. C.	...	...	...	...	...	...	...	
8.—Attempt at robbery as defined in section 393	...	...	...	...	...	...	...	
9.—Hurt in committing robbery as defined in section 394	...	...	...	...	...	...	...	
10.—Receiving stolen property as defined in section 413	...	...	...	...	...	...	...	
11.—Forgery as defined in section 463, I. P. C.	...	...	...	...	...	...	...	
11.—Forgery as defined in section 466, do.	...	...	...	...	...	...	...	
11.—Forgery as defined in section 467, do.	...	...	...	...	...	...	...	
11.—Forgery as defined in section 468, do.	...	...	...	...	...	...	...	
11.—Forgery as defined in section 469, do.	...	...	...	...	...	...	...	
12.—Lurking house-trespass as defined in section 443	...	...	...	...	...	...	...	
13.—Lurking house-trespass by night as defined in section 444	...	...	...	...	...	...	...	
14.—Housebreaking as defined in section 445	...	...	...	...	...	...	...	
15.—Housebreaking by night as defined in section 446	...	...	...	...	...	...	...	
							108	

NOTE.—Include juveniles punished under any of these heads.

PART III.

Statement showing Whippings inflicted under section 5 of Act VI, 1864, on Juveniles for Offences other than those specified in Parts I and II in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1883.

Offence.	Stripes												Total.	Remarks
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Theft as defined in section 379, I. P. C.	12	2	32	7	35	22	28	2	10	5	29	23	197	
Voluntarily causing hurt, section 323, I. P. C.	2	...	2	...	...	...	2	...	...	...	...	...	6	
Criminal breach of trust, section 406, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Dishonest misappropriation of moveable property, section 403, I. P. C.	...	...	...	...	...	...	...	...	1	...	...	...	1	
Resistance or obstruction by a person to his lawful apprehension, section 224, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Negligence with fire, section 285, I. P. C.	...	...	...	...	1	...	.	...	...	...	...	...	1	
Keeping a lottery office, &c., section 294A., I. P. C.	...	...	...	1	...	...	...	...	...	...	...	...	1	
Assisting in the concealment or disposal of stolen property, section 414, I. P. C.	...	...	...	...	...	..	1	..	...	...	...	...	1	
Voluntarily causing hurt by dangerous weapons or means, section 324, I. P. C.	...	...	...	...	2	...	...	...	...	...	...	...	2	
Voluntarily causing grievous hurt, section 325, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Breach of prison discipline as defined in section 49 of Act XXVI of 1870	...	...	...	...	...	...	1	...	...	...	1	...	2	
												Total ...	214	

PART IV.

Statement showing relative number of times Whipping was awarded as compared with other Punishments in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1883.

Punishment.	No.	Remarks
1	2	3
1. Total number of whippings awarded*	737	
2. Total number of other punishments†	21,044	
Percentage of whippings ...	3·5	

* Total of column 14, Parts I and III, and of column 6, Part II

† Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

Judicial Statement No. 6. (Criminal).

Statement showing the result of Appeal and Revision in Criminal Cases in the Province of British Burma in the year 1883, exclusive of the Town of Rangoon.

Class of Tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.†	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts *	647	1	82	250	...	96	197	4	6	.	11	6·	7 not appealable. 1 struck off. 1 reduced by Judl. Commr.
To Courts of Session	1,452	...	784	266	...	87	244	3	2	1	56	12·	
To Superior Courts { By persons convicted	432	...	208	130	...	24	37	..	2	...	31	21·	
To Superior Courts { By Government from judgments of acquittal	4	...	3	.	...	...	...	...	1	...	..	29·	
Total ...	2,535	1	1,077	646	...	207	478	7	11	1	98	12·	7 not appealable. 1 struck off. 1 reduced by Judl. Commr.
Revision.													
By Chief Magistrates of districts	8	...	...	...	...	...	...	..	...	8	...	...	
By Courts of Session	23	...	12	...	...	...	..	...	2	9	...	4·	
By Superior Courts	120	...	62	31	...	...	13	1	12	...	1	16·	
Total ...	151	...	74	31	...	...	13	1	14	17	1	13·	7 not appealable. 1 struck off. 1 reduced by Judl. Commr.
Grand Total ..	2,686	1	1,151	677	...	207	491	8	25	18	99	12·	

* Or other Magistrates authorized to hear appeals under section 407, Criminal Procedure Code.
† That is, the total of columns 3 to 12, cases transferred from one Court to another in the same province, will appear only against the Court by which decided or in which pending at the end of the year if not decided.

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of Jurors and Assessors in the Civil and Criminal Courts in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	Cases in which the judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict: Wholly.	Partially.	Number of persons of the verdict in respect to whom the Judge disapproved: Whose cases he referred under section 307, C. P. Code.	Whose cases he did not refer under section 307, C. P. Code.	ASSESSORS TRIALS. Number of cases in which Judge agreed with assessors.	Number of cases in which the Judge differed from: One assessor.	Both assessors.	REMARKS.
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870	Assessors ...	...	...	...	...	...	...	...	...	...	...	...	
II.—Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code	Jurors.	...	...	...	..	...	...	...	...	...	...	...	
Courts of Sessions	Jurors ..	5	27	...	26	1	...	...	1	...	...	...	*Note.*—In sessions trials only juries and assessors have been principally employed.
	Assessors .	2	...	307	...	..	...	...	...	179	9	119	
High Court Original Criminal Jurisdiction	Jurors.	...	...	...	...	...	...	...	...	...	.	...	
Total		5 & 2	27	307	26	1	...	...	1	179	9	119	

Note in what classes of cases Juries and Assessors have been principally employed.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1884.

RANGOON:
PRINTED AT THE GOVERNMENT PRESS.

1885.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1884..

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 90C., dated the 15th August 1885.

READ—

Reports on the administration of criminal justice in British Burma during the year 1884.

RESOLUTION.—The work of the Criminal Courts of the province increased in the year 1884. In 1884 there were—

43,406 offences reported as against	... 39,954	in 1883.
38,554 cases returned as true as against	... 33,584	
32,088 cases brought to trial as against	... 28,820	

The numbers of reported offences and of offences returned as true for the last five years have been—

	Offences reported.	Offences returned as true.
1880	26,068	...
1881	30,352	24,761
1882	35,879	30,145
1883	39,954	33,584
1884	43,406	38,554

A great part of the increase is due to activity in prosecutions under municipal, nuisance, and special laws. Some part may be attributable to better reporting, some to improved judicial arrangements, and some to greater vigilance on the part of the police in the prosecution of bad characters and of minor breaches of the law; but a part must be set down to the increase of crime among the people of the country.

2. The number of cases rejected as false has fallen from 5,970 in 1883 to 4,852 in the past year. The proportion of true cases to cases reported varies in a somewhat singular manner in the several districts; in Hanthawaddy it is 98·42 per cent., while in the neighbouring district of Pegu it is only 69·67; in Thayetmyo 98·19 and next door, in Prome, 78·50. The Judicial Commissioner ascribes such variations to the idiosyncracies of individual officers. It is desirable that the action of District Magistrates in the matter of deciding what cases ought to be struck out as false should be regulated by uniform principles. In

Rangoon nearly half the total number of reported cases of theft were rejected as false. This very large proportion requires explanation.

3. The figures relating to the number of persons brought before the Courts in 1883 and 1884 compare as follows:—

	1883.	1884.
Number of persons under trial ...	46,739	52,599
Number acquitted or discharged ...	17,870	20,376
Percentage of acquittals and discharges	38·2	38·7
Number convicted ...	27,309	29,978
Percentage of convictions ...	58·6	57·

The results were thus rather worse than in the year before.

4. The number of cases in which persons were brought before the Courts for bad livelihood increased from 1,413 to 2,176, and the percentage of convictions rose from 64 in 1883 to 67 in 1884. The chief increase of activity in working the preventive provisions of the law took place in the districts of Akyab, Kyaukpyu, Henzada, Bassein, Thôngwa, Toungoo, Tavoy, and Moulmein. In Pegu and Tharrawaddy there was a considerable decrease in the number of persons called upon to furnish security; in Hanthawaddy the number of such prosecutions is small; and it is noteworthy that crime has been very prevalent in these three districts. The Judicial Commissioner states that he has been alive to the importance of watching the action of Magistrates in this class of cases; that he has examined many files from different parts of the province; and that he has satisfied himself that the proceedings were regular, the security asked reasonable, and the order justified by the evidence. So long as proceedings under the preventive sections of the law are conducted with discretion, their increase is matter for special satisfaction, wherever crime is rife.

5. The 52,599 persons under trial before the Courts in 1884 were distributed among the various tribunals in the following manner:—

	Subordinate stipendiary Magistrates.	Benches of Honorary Magistrates.	District Magistrates.
Before ...	40,908 ...	7,841 ...	3,850
and in 1883—	37,640 ...	5,079 ...	4,020

The large increase in the number of persons tried by Benches of Honorary Magistrates is chiefly due to Rangoon, where the work done has more than doubled. The Bench at Rangoon is said to have been of great help in the disposal of petty cases, and to be capable of being improved into a fairly efficient Court. Of other Benches the Judicial Commissioner observes that they are giving valuable assistance in dealing with the less serious offences, and that the Moulmein Bench continues to be the most active.

6. The number of persons convicted on summary trial was 7,193, while in 1883 it was 7,540. Of these numbers 4,099 and 4,763 were tried in the respective years in Rangoon; and in 1884 more than half were disposed of by the Bench of Honorary Magistrates. The reports contain no special mention of the manner in which summary powers were exercised.

7. Of the persons under trial the cases of 1,114 went before the Court of Session, and of 52 before the High Court, 3 to the Recorder and 49 to the Judicial Commissioner. In the preceding year the corresponding figures were 959, 41, 6, and 35. The number of persons committed for trial to the Court of Session

was 776, while in 1883 it was 661. The cases of the remaining persons were brought before the Court of Session on reference under section 34 of the Code of Criminal Procedure.

The heaviest work was in the Session's Court of Irrawaddy, to which 296 persons were committed, an increase of 107 on the previous year. The Sessions Court of Pegu tried 162 persons, and that of Rangoon 108. The Moulmein Court of Session had the smallest number of persons for trial, 66, but these were in 49 cases against 46 only in the Tenasserim Court.

8. The results of trials before the different descriptions of Magistrates' Courts compare thus—

	Percentage of persons acquitted or discharged.	Percentage of persons convicted or committed.
Honorary Magistrates ...	40	·60
Subordinate Stipendiary Magistrates	38·99	59·2
District Magistrates ...	36·4	62

The proportion of unsuccessful prosecutions in the lower Courts, which try so many cases of a simple kind, is excessive. Commissioners and Deputy Commissioners, at their periodical inspections of the subordinate Courts, must renew their injunctions that frivolous complaints are not to be admitted without a careful examination of the complainant. An examination of the figures under the head of criminal intimidation, insult, and annoyance shows that the charge broke down against no less than 67 per cent. of the persons brought before the Courts. This needless harassment of a considerable number of people must be remedied, and subordinate Magistrates must be cautioned to exercise greater care in the admission of complaints. In none of the Magistrates' Courts is the percentage of convictions satisfactory. In England and Wales in 1882-83 the proportion of Magistrates' cases in which the prosecution failed was less than 19 per cent. It may take some time before such a standard is reached in this country, but the present amount of difference is too great.

9. In the Courts of Session the percentage of convictions to persons committed for trial was on the whole good. The Judicial Commissioner remarks on the singular want of success of prosecutions in the Sessions Court of Pegu; but he infers that the failure cannot be wholly due to the shortcomings of the local police, who in the Pegu division obtained as good results as elsewhere before Courts other than the Sessions Court.

* * * * *

10. The total number of persons punished in 1884 was 29,978. Of these 761, or one in 40, were punished by the Court of Session. In the Central Provinces in 1883 Courts of Session punished only one in 192. Seventy-five sentences of death and 162 sentences of transportation were passed as against 63 and 203 in the preceding year. On the other hand, sentences of imprisonment over seven years rose from 32 to 45. The number of sentences of imprisonment between two years and seven was nearly the same in the two years,—806 in 1884 and 797 in 1883.

Whipping was more freely employed than in 1883, having been inflicted on 1,352 persons compared with 860. The attention of Magistrates was called during the year to the suitability of this form of punishment in petty cases, more especially when the jails were very full.

The fines imposed and realized in 1883 and 1884 compare thus:—

	Amount imposed.	Amount realized.	Amount awarded in compensation.
	Rs.	Rs.	Rs.
1884	3,60,729	2,31,885	34,524
1883	2,92,384	1,98,358	23,471
Increase	68,345	33,527	11,053

The proportion of fines realized was higher than in the previous year. The Judicial Commissioner considers it doubtful whether Magistrates as a body are careful to regulate the amount of fine to the means of the offender. There has been an improvement in the award of compensation; but, notwithstanding the incitement given year after year, Magistrates still use their powers of recompensing injured persons very hesitatingly.

11. The number of witnesses examined by all the Courts rose from 100,067 in 1883 to 115,120. The detention of witnesses seems to have been rather longer on the average than in the previous year. The harassment of witnesses has, doubtless, an injurious effect on the attitude of the general population towards the suppression of crime, and it is very necessary that everything practicable should be done to spare them trouble and expense. In police cases, where there is a check on them, Native Magistrates probably show fair promptitude after the cases once reach their Courts; but in non-cognizable cases there is sometimes great delay and an excess of postponements.

12. The average duration of cases in 1884 was—

		In Rangoon.	Elsewhere.	
in the Courts of	Stipendiary Magistrates ...	6¼	7	days.
	Benches of Honorary Magistrates ...	1¾	6	
	District Magistrates	3½	9	

The results do not differ much from those of 1883.

In Courts of Session outside Rangoon the average duration of cases is given as before at 30 days. In Rangoon it was 32 days, elsewhere it ranged from 16 days in Moulmein to 69 in Arakan and 84 in Tenasserim. In these last two divisions communication is still in a backward condition, but it has recently improved, and the duration of cases should not have been allowed to rise from 21 and 52 days respectively in 1883.

13. The number of persons who appealed was, in 1884, 3,442 against 2,639 in 1883, an increase of 803. The results of appeals in the two years stand as below:—

	Number of persons in whose appeals	
	The sentence was reversed or proceedings quashed.	The sentence was reduced or altered.
1883	496	214
1884	536	473

Thus over 26 per cent. of appellants were wholly or partially successful in 1883 and over 29 per cent. in 1884. The increase in reductions of sentence is particularly marked, but has received no explanation in the report. It was common to all classes of Courts.

The large number of releases on appeal has attracted the attention of the Government of India in reviewing the report on prison administration. A com-

parison with the returns of four other provinces of India for 1883 gives the following results :—

	Percentage of appellants whose sentences	
	Were reversed.	Were reduced.
In Central Provinces	20·67	11·48
In Punjab	28·21	10·11
In North-Western Provinces ...	21·71	10·28
In Oudh	12·37	10·19
In British Burma (1884) ...	15·5	13·7

Excepting Oudh, the reversals of sentence in Burma were the least numerous, but the reductions were the most numerous. The number of appealable sentences being unknown, a comparison cannot be made of the extent to which appeal is prevalent in the several provinces. Unless there has been a considerable increase of excessive severity in the lower Courts, the large number of reductions of sentence would, apparently, indicate undue interference on the part of Appellate Courts.

One appeal was preferred by Government during the year against an acquittal, and that was brought in order to procure an authoritative decision on a point of law which had been diversely decided by different Courts.

The increase in the number of appeals is commonly laid at the door of the withdrawal of the power of enhancing sentences from the lower Appellate Courts ; but it may be presumed that the action of the Appellate Courts in reducing so large a proportion of sentences has encouraged and promoted the habit of appeal.

14. The administration of criminal justice in British Burma is still susceptible of considerable improvement. It is difficult to define in general terms where the responsibility of the police ends and that of the Magistracy and Judges begins. It is the business of all alike to work together for the suppression of crime and the maintenance of justice and good order. The following observations in the review by the Government of India of the report on police administration for the past year may be advantageously reproduced in this place :—" If " the village police and village officers fail to work well with the regular police, if " cases are badly got up and acquittals at Sessions are unduly numerous, the Dis- " trict Magistrate should feel that a direct slur is cast upon his personal efficiency. " The Government of India has observed with regret the remarks made in para- " graphs 24, 34, and 41 of the report regarding the insufficiency of the sentences " passed in some of the more serious cases brought before the Courts, and the " large number of cases in which the Judicial Commissioner or the Sessions Court " find it necessary to reverse sentences and to acquit the accused, with the result that " ' little fear has been instilled into the criminal classes.' It is the duty of the " Judicial Commissioner to impress upon his subordinates, as he doubtless feels " himself, the responsibility which lies upon all branches of the administration to " co-operate heartily in checking the grave outburst of criminality from which the " province has been for some years past suffering. It is not of course desired that " Courts should convict on insufficient evidence, but the shortcomings of the police " and lower Courts in preparing cases should be clearly indicated, with a view to " their removal and amendment." These remarks will, no doubt, be duly weighed by all officers concerned.

By order of the Chief Commissioner,

G. D. BURGESS,

Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1884.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 48 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Session, and one person appealed from the sentence passed by the Court of the Recorder exercising the powers of a High Court, making in all 49 persons. The appeals of 46 persons were disposed of and three were pending at the close of the year. The following table shows the particulars and the results :—

Court from which appeal preferred.	Pending from last year.	Number of persons who appealed during 1884.	Result.				
			Rejected.	Dismissed, or sentence confirmed.	Reversed or acquitted.	Altered or reduced.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Sessions Court.	...	48	37	...	4	4	3
Court of the Recorder of Rangoon exercising the powers of a High Court.	....	1	1	...	...	...	...
Total ...	...	49	38	...	4	4	3

In one appeal of seven persons, the Judges, differing in their opinion in respect to four appellants, the point was referred to the High Court at Calcutta, which decided that the Additional Recorder had misdirected the jury, and that the misdirection prejudiced the appellants, so as to justify the Special Court in setting aside the verdict of the jury as regards the four appellants.

2. In the previous year 53 persons appealed from the sentences passed by the Court of the Recorder in the exercise of its powers of a Court of Session, and one person appealed from the same in the exercise of its powers of a High Court.

3. During the year five capital sentences passed by the Recorder of Rangoon (as a Court of Session) were referred to this Court, under section 60 of the Burma Courts Act, XVII of 1875, for confirmation. The sentences of three persons were confirmed, and the sentences of two were commuted to transportation for life.

4. Besides the above there were six references made to this Court by the Judicial Commissioner of British Burma under section 76 of the Burma Courts Act, XVII of 1875, the particulars of which are as follows:

i. In one case the accused was convicted of a double murder by the Judge of the Irrawaddy Sessions division and sentenced to death. The assessors had declined to find the prisoner guilty, and the Judicial Commissioner, after a perusal of the record, expressed his need of consultation with a Judge more used than himself to trials by jury. The appeal was, therefore, referred to this Court for disposal. The Judges differed. The Judicial Commissioner thought that the conviction should be set aside; the Recorder was for supporting the conviction. The opinion of the referring Judge prevailed.

ii. In this case a point of jurisdiction arose, namely, when a Sessions Judge had formally acquitted of murder, and at the same trial had formally convicted of culpable homicide, has the Court of the Judicial Commissioner power to alter the conviction for culpable homicide to a conviction for murder when no appeal against the acquittal of murder has been made by the local Government, the convict having appealed only against the conviction of culpable homicide, which was rejected? The Judges of this Court were of opinion that the Judicial Commissioner, sitting as a High Court in the exercise of powers of revision, was not authorized to convert the finding of acquittal of murder into one of conviction, and that the responsibility of directing an appeal in such cases rested with the local Government.

iii. This was a case in which the accused was convicted and punished under sections 408 and 511, Indian Penal Code. The accused had been previously convicted under Chapter XVII, Indian Penal Code, and the Magistrate who tried the case, regarding him as an habitual offender, liable to enhanced punishment under section 75, Indian Penal Code, exercised his special powers and passed upon him a sentence of five years' rigorous imprisonment. The Judicial Commissioner on appeal held that a subsequent attempt to commit an offence to which section 75 of the Indian Penal Code applied was not a ground for the enhanced punishment provided by that section, and ruled that in this case section 511 of the Code should have determined the measure of punishment, and that the sentence passed upon the accused was, therefore, illegal. The Judicial Commissioner also doubted whether, on the facts, the conviction was right. Both Judges held that the accused had been guilty of an attempt at criminal breach of trust under section 406, Indian Penal Code, read with section 511, Indian Penal Code, and that the liability to the enhanced punishment under section 75 did not extend to convictions for attempts under section 511 of the Code. The conviction was accordingly upheld, but the sentence was reduced from five years to one year and six months' rigorous imprisonment.

iv. The prisoner, a juvenile offender, had been convicted under section 379 of the Indian Penal Code, which provides as punishment both imprisonment and fine. The prisoner, however, was sentenced to both imprisonment and whipping, and the question was raised by the Judicial Commissioner whether whipping could be treated as a substitute for the penalty of fine. The Judges held that, both on the construction and probable intention of section 5 of the Whipping Act, the sentence passed on the prisoner, a juvenile offender, was legal.

v. The question for determination in this case was whether the Judicial Commissioner, sitting as a High Court, on the report of a Sessions Judge could transfer from the Sessions Court a case to the Deputy Commissioner or else to another Court of Session. The Judges decided in the negative, holding that the proper course for the Sessions Judge to follow was that *by motion* in the Court of the Judicial Commissioner under section 526 of the Criminal Procedure Code.

vi. This was a case which came up before the Judicial Commissioner on revision. The following are the facts. A woman left her house one night for a short time and shut the door behind her. On her return she found her door had been opened and her bundle of clothes, &c., stolen. Part of the stolen property was discovered with the accused, who was tried by the Sessions Judge of Irrawaddy and was convicted of house-breaking by night in order to commit theft, with a previous conviction under sections 457—75 of the Indian Penal

Code, and was sentenced to transportation for 14 years. The Judicial Commissioner, to whom appeal was made, rejected it, but took into consideration the sentence in revision, having doubts whether the opening of a door that was not fastened was an offence amounting to house-breaking. The following points were accordingly referred for disposal to this Court, namely,—

(i) Whether the opening of a door merely shut, not locked or otherwise fastened, amounted to house-breaking?

(ii) Whether, if there was no house-breaking, and bearing in mind that the prisoner was not charged with theft, but only with house-breaking in order to commit theft under section 457, the Court could change the conviction into house-trespass with intent to commit theft under section 451, and theft in a dwelling under section 380, and pass cumulative punishments?

(iii) Whether, in section 75 of the Indian Penal Code, the words "subject to transportation for life" mean for *not less than life?*

The decision arrived at by this Court may be summarized as follows:

(*a*) The mere opening of a door closed in the usual way is not house-breaking.

(*b*) The offences of house-trespass with intent to commit theft and of theft in a house might and ought to have formed the subject of separate heads of the charge. As to the punishment inflicted, the Judicial Commissioner could not enhance the same without notice being given to the prisoner to show cause against re-opening the case.

(*c*) With reference to the expressions "transportation for life" and "double the amount of punishment" in section 75 of the Indian Penal Code, the Judges were of opinion that "transportation for life" expressed a definite meaning, which did not admit of "maximum" and "minimum," and that shorter sentences of transportation could not be directly passed under that section, but that the term of imprisonment awarded under it might be commuted to transportation under the provision of section 59 of the Code. The words "double the amount of punishment" in section 75 were held not to bear the construction that double the maximum amount must always be awarded. The Judges remarked "that, in regard to many offences to which section 75 applies, "the amount of punishment is not a constant quantity, but is "a term which may extend to a certain number of years, and may "be any period less than that certain number, so that the lia-"bility is, in our opinion, only to imprisonment which may extend "to double the maximum amount, but may, at the discretion of "the Court, be less." Section 348 of the Code of Criminal Procedure appeared to the Judges to give some support to this view.

5. There was also a reference made by the Recorder of Rangoon under section 307 of the Criminal Procedure Code. The reference was made on the ground that the finding of the jury who convicted the prisoner of an offence under section 392, Indian Penal Code, was in direct opposition to the evidence. The Court, however, having regard to the fact that the verdicts of juries were entitled to considerable weight, more especially when they were unanimous as in the present case, decided not to disturb the verdict of the jury; but the Judges were of opinion that the case was one which called for an extremely lenient sentence. The case was accordingly sent back to the Recorder with a direction that he should accept the verdict of the jury and pass sentence on the prisoner according to law.

6. Besides the above there was an appeal by the local Government made to the Recorder of Rangoon against the finding of acquittal by the Assistant Magistrate of the Rangoon Town district of charges under section 294A, Indian Penal Code, and section 3 of the Gambling Act, 1867, which was transferred to this Court by direction of the Chief Commissioner under section 77 of the Burma Courts Act. The main object of the appeal was to have the question determined,

whether cases like the present fell within the provisions of the Gambling Act, or section 294A of the Indian Penal Code? The Magistrate had acquitted the accused as he had found that the facts alleged by the prosecution had not been proved; in fact the acquittal was due to the Magistrate disbelieving the evidence for the prosecution; and as nothing was brought forward during the appeal to show that the Magistrate had grossly erred in his estimate of the credibility of the evidence for the prosecution to justify the setting aside of his decision, the appeal was disallowed and the legal question raised was not gone into.

7. Three references to the High Court, Calcutta, made in 1883 by the Special Court under section 80, clause (*b*), of the Burma Courts Act, XVII of 1875, were pending at the close of 1883; they were decided in 1884. The question in all three cases was whether the local Government had power to transfer a case which had been committed to the Recorder of Rangoon as a Court of Session from that Court to the Sessions Court of the Commissioner of Pegu. The High Court held that the local Government had no power, under section 178 of the Criminal Procedure Code, to transfer for trial to the Court of the Commissioner a criminal case duly committed for trial to the Court of the Recorder of Rangoon, but that the local Government had power to transfer a case from the district of Rangoon to the Sessions division of Pegu.

W. F. MERES,
R. S. T. MACEWEN,
Judges of the Special Court of British Burma.

RANGOON:
The 8th May 1885.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1884.

DURING the year 70 cases were committed to this Court as a Court of Session and three as a High Court.

2. The following table shows the different Courts from which the commitments were made during the year 1884 in comparison with the previous year:—

By whom committed.	1883.			1884.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total.
Extra Assistant Commissioner, 1st class	2	...	2	...	...	...
Assistant Town Magistrate, Rangoon Town district ...	43	2	45	49	1	50
District Magistrate, Rangoon Town district	18	...	18	21	2	23
Cantonment Magistrate, Thayetmyo	...	1	1	...	...	...
District Magistrate, Shwegyin	...	1	1	...	...	...
Total ...	63	4	67	70	3	73

3. There was one case pending from the previous year, thus making 74 cases in all for trial during the year, all of which were disposed of.

4. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Session and as a High Court:—

Number of persons		
Convicted.	Acquitted.	Pending.
73	33	...

5. The following table shows the different punishments inflicted:—

	Persons sentenced to						Detail of punishment.									
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.			
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Fine with imprisonment.	Acquitted.
Recorder's Court exercising the powers of a High Court.	...	...	...	2	...	...	...	....	...	...	2	...	...	...	...	1
Recorder's Court exercising the powers of a Court of Session.	5	...	11	56	4	...	3	4	5	...	42	6	...	...	...	32
Total ...	5	...	11	58	4	...	3	4	5	...	44	6	...	...	...	33

6. Three out of five capital sentences passed by this Court as a Court of Session were confirmed by the Special Court, and in the other two cases the sentences were commuted to transportation for life.

7. In one case the Recorder disagreed with the verdict of the jury and referred the case, under section 307 of the Criminal Procedure Code, to the Special Court.

8. Of those persons convicted and sentenced by the Recorder, 49 appealed to the Special Court. Of these, the appeals of 38 persons were rejected, the sentences of four persons were reversed, and those of four reduced; and the cases of three persons were pending at the close of the year.

9. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate and the Assistant Magistrate of the Rangoon Town district, together with the results:—

Magistrates from whose decisions appealed.	Number of persons who appealed.	Result.							
		Rejected.	Confirmed.	Modified.	Reversed.	New trial.	Quashed.	Pending.	Transferred.
District Magistrate	74	65	1	1	2	1	1	3	...
Assistant Magistrate	64	49	...	3	6	2	1	2	1
Junior Assistant Magistrate ...	2	1	...	...	...	...	...	1	...
Cantonment Magistrate	1	1	...	...	...	...	...	...	...
Honorary Magistrates	1	...	...	...	1	...	...	...	...
Total ...	142	116	1	4	9	3	2	6	1

10. In exercise of its power of superintendence and revision as a High Court this Court called for four cases from the Court of the District Magistrate, for seven cases from that of the Assistant Magistrate, and for one case decided by the Extra Assistant Commissioner. Of the former, in one case the sentence was reversed, while the three others were not interfered with. Of the cases from the Assistant Magistrate's Court, in five the orders were reversed and two were not interfered with. In the case tried by the Extra Assistant Commissioner the

finding and sentence was not interfered with. Besides the above, the District Magistrate sent up one case of his Court and two from the Honorary Magistrates. In the former the sentence was not interfered with, and in the latter certain irregularities were pointed out.

The Magistrates' Courts.

11. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with a similar return for the preceding year:—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1883 ...	1,663	5,055	6,718	5,714	8,645	2,747	5,703	148	...	5	42
1884 ...	1,781	5,546	7,327	6,506	10,533	3,798	6,604	89	...	4	38
Increase ...	118	491	609	792	1,888	1,051	901	...	...	...	...
Decrease ...	...	...	...	...	...	...	...	59	...	1	4

This table, Captain Adamson says, is most remarkable, and shows that, notwithstanding the large increase in the number of cases investigated and persons convicted, yet serious crime, as represented by sessions cases, has diminished by about 50 per cent. This is, no doubt, correct and satisfactory as regards persons charged; but, as regards cases, the sessions committals for 1884 were 73 against 67 in 1883, or an increase of six cases.

12. The following table shows the number and the results of non-bailable cases for the year in comparison with the previous year:—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1883	1,663	825	1,024	275	596
1884	1,781	1,029	1,167	389	684
Increase	118	204	143	114	88
Decrease	...	...	...	...	...

13. The following table shows the percentage of detection to the cases reported on non-bailable offences as compared with the previous year:—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1883	1,663	596	57·22
1884	1,781	684	58·61

The improvement in detection is slight.

14. The following statement shows the details of violent crime as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1883.	1884.	1883.	1884.	1883.	1884.
Murder	5	14	5	14	5	13
Attempt at murder	9	9	9	9	10	8
Culpable homicide	8	4	8	4	...	3
Grievous hurt	41	18	29	18	17	14
Grievous hurt on sudden provocation... ...	8	5	8	5	5	3
Hurt	105	107	105	107	82	104
Hurt with dangerous weapon	25	27	25	27	18	20

The District Magistrate remarks that the number of convictions obtained in these cases is very large, a very small percentage having been acquitted by the Magistrates. The number of murders reported is greatly in excess of 1883, while, with the exception of grievous hurt, there is an increase under all the other heads of offences against the person. The number of attempts at murder is the same,—nine in both years.

15. The following table shows the offences against property, with violence, as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1883.	1884.	1883.	1884.	1883.	1884.
Dacoity	18	1	18	2	76	7
Robbery	38	25	23	15	25	23
Extortion	6	2	3	1	1	1
Total ...	62	28	44	18	102	31

16. The following table shows the number of offences against property, without violence, as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1883.	1884.	1883.	1884.	1883.	1884.
House-breaking with theft	46	65	39	45	33	35
Theft	1,349	1,491	555	752	493	578
Receiving stolen property,...	46	43	46	42	32	29
Total ...	1,441	1,599	640	839	558	642

17. The subjoined table classifies the petty offences for the last three years:—

Offences.	1882.	1883.	1884.
Assault	933	908	1,137
Insult and criminal intimidation	211	258	692
Creating a disturbance under Indian Penal Code	34	52	55
Nuisance (Police Act, V of 1861)	902	1,117	1,032
Breach of local rules	1,051	1,288	1,122
Drunk and disorderly (Act V of 1861)	590	725	877

The District Magistrate remarks that an increase of offences under these heads must of necessity take place in a large and growing town like Rangoon. The necessity is not apparent. No doubt, with an increase in population, an increase in crime may be expected, but it does not appear to what extent such increase has taken place or if any has occurred.

18. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	
								In custody.	On bail or recognizance.
District Magistrate, 1st class powers.	Bailable ...	353	43	59	248	3	...	...	...
	Non-bailable	162	...	86	110	14	...	2	...
Total ...		515	43	95	358	17	...	2	...
Assistant Magistrate, 1st class powers.	Bailable ...	2,866	108	490	2,263	4	...	...	1
	Non-bailable	455	...	185	192	68	1	9	...
Total ...		3,321	108	675	2,455	72	1	9	1
Junior Assistant Magistrate, 2nd class powers.	Bailable ...	1,122	240	219	635	...	8	...	25
	Non-bailable	269	...	84	185	...	...	...	...
Total ...		1,391	240	303	820	...	8	...	25
Cantonment Magistrate, 3rd class powers.	Bailable ...	815	49	162	604	...	...	...	...
	Non-bailable	99	...	39	60	...	...	...	...
Total ...		914	49	201	664	...	...	...	...
Bench of Honorary Magistrates, 2nd class powers.	Bailable ...	4,210	1,337	702	2,170	...	...	...	1
	Non-bailable	182	...	45	137	...	...	...	...
Total ...		4,392	1,337	747	2,307	...	...	...	1
GRAND TOTAL ...		10,533	1,777	2,021	6,604	89	4	11	27

19. The following table shows the punishments inflicted by the different Magistrates :—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.									
	Solitary confinement.	Simple.	Rigorous.	Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate ...	1	...	159	200	85	17	43	4,589 15 8	3,504 10 8	475 0 0
Assistant Magistrate ...	3	23	389	2,013	88	42	79	14,273 15 3	12,925 14 9	1,307 0 0
Junior Assistant Magistrate.	...	...	208	590	22	...	...	6,780 0 0	4,809 0 0	.....
Cantonment Magistrate	...	2	81	612	...	...	...	6,244 7 0	4,719 14 6	685 4 0
Bench of Honorary Magistrates.	...	...	129	2,163	18	...	...	8,149 5 0	7,289 18 0	214 8 0
Total ...	4	25	966	5,578	163	59	122	40,037 10 11	33,199 4 11	2,681 12 0

20. The percentage of fines realized was 83; in the previous year it was 73 per cent.

21. The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	996	287	132	23	3	3½
Assistant Magistrate	5,096	1,009	881	356	1¼	1½
Junior Assistant Magistrate ...	2,314	563	805	34	...	1½
Cantonment Magistrate ...	1,205	301	75	26	...	3½
Bench of Honorary Magistrates ...	1,625	932	128	48	1	1¼
Total ...	11,286	3,092	2,016	487	...	...

Captain Adamson doubts the correctness of this table, especially in the case of the Junior Assistant Magistrate, whose witness-registers were most incorrectly and irregularly kept, and he is of opinion that about three days would be the average detention of witnesses in that Court.

22. The subjoined table shows the nationalities of persons brought to trial during the last three years in the Magistrates' Courts :—

Nationalities.	1882.	1883.	1884.
Burmese	2,076	2,645	3,609
Chinese	226	296	408
Natives of Bengal and Upper India	461	1,058	1,295
Madrasis	3,051	3,784	4,178
Chittagonians	1,257	498	657
Europeans and Eurasians	319	364	391
Total ...	7,390	8,645	10,538

23. During the year there were 38 appeals to the District Magistrate from the finding and sentences of the Assistant Junior Magistrate and the Honorary Magistrates,—19 from each.

24. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and the Rangoon Pilot Rules:—

No.	Subject.
1	Relative to a collision between the barque *Osaka* and the S. S. *Baghdad*.
2	Relative to a collision between the I. G. S. *Investigator* and a country boat.
3	Relative to the grounding of the S. S. *Cervin*.

25. During the past year the following officers have presided in the different Courts:—

District Magistrate.

Captain C. H. E. Adamson,—all the year.

Assistant Magistrate.

Mr. H. L. Eales,—all the year.

Junior Assistant Magistrate.

Maung Tet Ka Pru,—from the 19th April till end of the year.

Cantonment Magistrate.

Mr. H. L. Eales,—from the 1st January to the 26th February.
Lieutenant T. G. Johnson,—from the 27th February to the 2nd July.
Lieutenant J. H. Parsons,—from the 3rd July to the 11th November.
Mr. H. L. Eales,—from the 12th November to the 31st December.

Besides the above, there were 13 Honorary Magistrates, three of whom were appointed during the year, and they sat throughout the year five times a week on such days as the District Magistrate fixed. It appears that they have been a great help during the year in the disposal of summons cases and cases of petty theft. The District Magistrate remarks though their proceedings are not of the most regular nature, yet on the whole, he thinks, they gave satisfaction, and that they certainly prevented the time of the other Magistrates being wasted in the determination of petty disputes among Natives of India and others. He further remarks that it is questionable whether, as a matter of expense, the Honorary Magistrates do not cost the State more than stipendiary Magistrates of the 3rd class would do. At present the establishment of the Honorary Magistrates consists of—

1 Clerk at Rs. 150, rising to Rs. 200;
1 Clerk at Rs. 80, rising to Rs. 50;
12 Peons at Rs. 12 each;
1 Punkha-puller at Rs. 10;

whereas, he says, the cost of a 3rd class Magistrate would be—

		Rs.
1	Myoôk	150
1	Clerk	50
1	Peon	12

At the same time he does not advocate a change, because he thinks that the Honorary Magistrates' Court, with all its irregularities, inconsistencies, and difficulties in working, is still capable of being improved into a fairly efficient Court for the trial of petty cases.

The members of the Court, he says, have a much clearer insight into the ways of their fellowmen than any European can have, and, if they are honest, they should be able to give satisfaction to parties appearing before them; and that while they continue to do fairly well, it would be mere waste of power to appoint a Magistrate of the 3rd class only to the town of Rangoon, as all the work that could be done by a 3rd class Magistrate can be performed by the Honorary Magistrates.

26. During the year under review an extra Magistrate was appointed, and for some time an addition was made to the number of Magistrates by the appoint-

ment of a separate Cantonment Magistrate, and Captain Adamson considers that the present staff of Magistrates is sufficient to cope with the work, and that it should not be reduced or their powers lessened.

27. The work of the Magistrates is still increasing as will be seen from the returns; the number of persons brought before the Courts increased from 8,645 in the previous year to 10,533, and the bulk of the work during the year appears to have been done by the Assistant Magistrate and the Junior Assistant Magistrate.

These officers are not Subdivisional Magistrates; they have concurrent jurisdiction throughout the town of Rangoon as also the Honorary Magistrates, and the police work is daily apportioned to them by the District Magistrate.

28. The District Magistrate was during the year invested with powers under section 30 of the Criminal Procedure Code; but these powers, except in cases where the punishment did not exceed three years, were seldom exercised, in consequence, I understand, of there being some difficulty as to appeals; for sentences over three years' imprisonment are subject to confirmation by the Sessions Judge, that is, the Recorder, and by section 408 of the Criminal Procedure Code an appeal lies to the High Court, and it is clear that the Recorder cannot exercise the powers both of a Sessions Judge and of a High Court in such cases, as would be the case if an appeal were preferred from the Recorder's order of confirmation. Under the law as it stands the case could not go to the Special Court.

29. During the year there were 175 persons brought up under sections 109 and 110 of the Criminal Procedure Code as against 89 in the previous year. Of these persons 121 were ordered to give security. Captain Adamson says that the increase in the number of persons brought up is owing to the increased willingness of respectable persons in the town to give evidence against bad characters, and he agrees with Mr. Eales that it is due to the cordial co-operation of the lugyis with the police, and remarks that it is gratifying to note that, since the lugyis have taken measures to give the authorities their assistance, the cases of theft with violence have sensibly diminished.

30. Captain Adamson remarks that the system under which the police work is bad; that he does not see any way to hope for improvement until the system is altered. He says too much of the time of the police is now taken up in writing reports, in filling in forms, and in doing the work of clerks, instead of being devoted to following up criminals and arresting them, and that every extra form in duplicate, triplicate, or otherwise which a policeman sends in is, in his opinion, an extra inducement to leave an offence undetected, and he deprecates the police charge-sheets being sent in in duplicate.

31. Captain Adamson also complains of the want of proper rules and forms of registers, and that the registers at present in use do not supply the requisite materials for the new forms of returns.

This matter will be taken up as soon as I have time to attend to it. At present I am fully occupied with judicial work, which is much in arrear, and I cannot say when I may be able to attend to this matter.

32. The District Magistrate in his report refers as follows to the work done by the officers who served under him during the year: "I have to acknowledge "the careful and thorough way in which Mr. Eales has worked throughout the "year. He is a most hardworking and conscientious Magistrate. Maung Tet Ka "Pru did fair work, but he was often in arrears and did not seem to have proper "command over his clerks. Mr. Jameson and Mr. Fraser have both done all in "their power to keep down crime in the district, and I think with success, but they "are handicapped by inferior material under them. The town of Rangoon is so "large, and contains such a number of bad characters of so many nationalities, that "it is most difficult to manage, and any policeman who has not spent some time in "the town is of little use in keeping the town in order. Of the police at large "I have but little to say. I consider the system under which they work bad, and "I do not see my way to hope for improvement until the system is altered."

RANGOON:
The 10th June 1885.

R. S. T. MACEWEN,
Officiating Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. F. MERES, Esq., B.A.,B.C.S., Officiating Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 1498-1, dated the 19th June 1885.

I HAVE the honour to forward herewith the criminal judicial returns for 1884 of this province, exclusive of the town of Rangoon, together with the following report. The imperial returns prescribed by the Government of India are herewith submitted. For convenience of comparison of the year's results with those of 1883, I have also retained and incorporated in this report the provincial statements. I regret that the report is late. This is due to its not being found possible to supply all the districts with the new returns which were prescribed by my predecessor to bring the provincial returns into conformity with the Government of India returns until late in January last. The new returns involved much labour in district offices and were often imperfectly understood. This caused much unavoidable delay, in correction and explanation, in my own office.

The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below:—

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1883.	1884.	1883.	1884.	1883.	1884.	1883.	1884.	1883.	1884.
ARAKAN	Akyab	1,092	1,735	...	...	313	222	1,079	1,513	84·29	97·20
	Kyaukpyu	1,464	1,428	...	...	127	189	1,337	1,239	91·33	86·76
	Sandoway	598	607	20	5	41	13	537	589	89·80	97·03
	Northern Arakan	18	42	...	7	2	12	16	23	88·89	54·76
	Total	4,072	3,812	20	12	483	436	3,569	3,364	87·65	88·25
PEGU	Hanthawaddy	1,218	1,711	...	2	170	25	1,048	1,684	86·04	98·42
	Pegu	1,647	1,975	196	287	394	312	1,117	1,376	67·82	69·67
	Tharrawaddy	2,834	2,689	38	48	460	322	2,336	2,319	82·43	86·24
	Prome	4,091	4,224	100	91	786	817	3,206	3,316	78·37	78·50
	Total	9,790	10,599	334	428	1,749	1,476	7,707	8,695	78·72	82·03
IRRAWADDY.	Henzada	3,783	4,619	85	115	1,015	412	2,683	4,092	70·92	88·59
	Bassein	3,332	3,684	...	...	941	126	2,391	3,558	71·76	96·58
	Thôngwa	2,602	2,545	...	7	...	168	2,602	2,370	100·00	93·12
	Thayetmyo	1,750	1,936	...	...	40	35	1,710	1,901	97·71	98·19
	Total	11,467	12,784	85	122	1,996	741	9,386	11,921	81·85	93·25
TENASSERIM.	Amherst	1,360	1,355	41	25	15	11	1,304	1,319	95·88	97·34
	Shwegyin	1,763	1,847	19	21	214	207	1,530	1,619	86·78	87·65
	Toungoo	1,471	1,492	...	...	46	57	1,425	1,435	96·87	96·18
	Tavoy	841	481	3	1	44	45	294	385	80·22	80·39
	Mergui	436	389	...	...	4	22	432	367	99·08	94·34
	Salween	57	63	...	...	7	14	50	49	87·72	77·78
	Moulmein	2,479	3,307	327	299	55	114	2,097	2,894	84·59	87·51
	Total	7,907	8,884	390	346	385	470	7,132	8,068	90·20	90·83
	GRAND TOTAL	33,236	36,079	829	908	4,613	3,123	27,794	32,048	83·63	88·83

NOTE.—The number of cases returned as true for 1883 has been erroneously given as 27,904 in the report for that year, the correct figures being 27,794.

2. It is not easy to account for the whole of the increase of 2,843 reported cases. There has been greater activity in 1884 in the prosecution of cases under the Municipal, Excise, Gambling, and Fishery Acts. In 1884 there were 1,285 more cases under local and special laws than in 1883.

3. Some amount of variation in the amount of crime reported in any district is fairly attributable to the personal influence of the executive head of the district. A few badly advised prosecutions for false charges, under section 182, Indian Penal Code, or section 211, Indian Penal Code, have been known to reduce the number of reports of crime. There is reason for believing that generally the whole of the more serious offences, especially those against property, are not communicated to the police. This is often noticed in the case of cattle-thefts. The sufferer suspects no one and his own efforts to trace the animal fail. It is not unreasonable that he should weigh the certainty of loss of time and of the personal trouble resulting from a report to the police against the slender chance of getting assistance.

With a more rigorous administration of a district more of these difficult cases get reported, so that one of the first results of a zealous district officer's efforts is that, on the face of the returns, there is more crime and also a greater percentage of police failure.

The wide variation in the proportion of true to reported cases, ranging from 54·76 in Northern Arakan to 98·42 in Hanthawaddy, must depend in part on the idiosyncracy of the officer who determines whether a given case should be returned as false or not. It is very unlikely that the standard of truthfulness of complainants should vary so widely in different parts of the province, as these figures would at first sight suggest.

Increase and Decrease in the different Districts during the year.

INCREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Criminal Procedure Code.	Cases declared false or not entered as true.	True cases.
Arakan.	Akyab	...	...	...	...
	Kyaukpyu	...	...	62	...
	Sandoway	9	...	...	52
	Northern Arakan	24	7	10	7
	Total	33	7	72	59
Pegu.	Hanthawaddy	493	2	...	636
	Pegu	328	91	...	259
	Tharrawaddy	...	10	...	...
	Prome	133	...	32	110
	Total	954	103	32	1,005
Irrawaddy.	Henzada	886	80	...	1,409
	Bassein	352	...	...	1,167
	Thôngwa	...	7	168	...
	Thayetmyo	186	...	...	191
	Total	1,374	37	168	2,767
Tenasserim.	Amherst	...	...	...	15
	Shwegyin	84	2	...	89
	Toungoo	21	...	11	10
	Tavoy	90	...	1	91
	Mergui	...	...	18	...
	Salween	6	...	7	...
	Moulmein	828	...	59	797
	Total	1,029	2	96	1,002
	GRAND TOTAL	3,390	149	368	4,838

Decrease.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Criminal Procedure Code.	Cases declared false or not entered as true.	True cases.
Arakan.	Akyab	257	...	91	166
	Kyaukpyu	86	...		98
	Sandoway	...	15	28	...
	Northern Arakan	...	...	...	...
	Total	293	15	119	264
Pegu.	Hanthawaddy	...	...	145	...
	Pegu	...	...	22	...
	Tharrawaddy	145	...	138	17
	Prome	...	9	...	...
	Total	145	9	305	17
Irra-waddy.	Henzada	...	...	603	...
	Bassein	...	...	815	...
	Thôngwa	...	...	...	282
	Thayetmyo	...	...	5	...
	Total	57	...	1,423	282
Tenasserim.	Amherst	5	16	4	...
	Shwegyin	...	...	7	...
	Toungoo	...	...	...	...
	Tavoy	...	2	...	.
	Mergui	47	...	...	65
	Salween	...	...	...	1
	Moulmein	...	28	...	...
	Total	52	46	11	66
	Grand Total	547	70	1,858	579

The following table shows the increase and decrease of true cases under the main heads of crime in each district :—

True Offences reported under each class in the year 1884 as compared with the previous year.

Division.	Name of district.	Year.	Offences under the Indian Penal Code.																	Offences under special and local laws.	Total of true offences reported.	Remarks.
			Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult or annoyance, Chapter XXII.			
Arakan.	Akyab	1883	...	...	16	3	9	24	2	2	75	1	545	579	1	...	14	3	50	355	1,679	
		1884	...	...	29	2	9	40	7	1	36	..	418	594	2	2	5	5	26	337	1,513	
	Kyaukpyu	1883	...	...	9	2	14	32	...	2	48	1	181	804	..	...	2	...	62	180	1,337	
		1884	...	1	4	2	8	36	...	2	54	1	174	688	1	..	..	5	74	189	1,299	
	Sandoway	1883	...	...	1	...	1	11	1	1	13	...	84	323	...	1	1	3	38	59	537	
		1884	...	...	3	1	4	16	...	...	15	...	85	374	...	1	2	3	38	47	569	
	Northern Arakan	1883	...	...	..	...	...	2	...	...	1	...	3	5	...	...	...	...	..	5	16	
		1884	...	...	..	...	...	...	...	...	...	...	9	6	..	...	...	...	1	7	23	
	Total ...	1883	...	...	26	5	24	69	3	5	137	2	813	1,711	1	1	17	6	150	599	3,569	
		1884	...	1	36	5	21	92	7	3	105	1	686	1,692	3	3	7	13	139	580	3,364	
Pegu.	Hanthawaddy	1883	...	...	19	4	3	28	...	...	27	2	221	501	1	1	8	...	85	148	1,048	
		1884	...	...	23	4	10	31	2	..	63	...	231	1,106	1	..	8	2	74	132	1,684	
	Pegu	1883	...	...	34	12	18	41	3	1	39	6	277	500	1	...	9	3	23	150	1,117	
		1884	...	...	25	11	18	4	..	...	71	2	268	841	...	...	5	...	5	126	1,376	
	Tharrawaddy	1883	...	...	54	3	21	34	4	...	130	...	338	1,348	...	1	1	...	74	292	2,336	
		1884	...	...	53	12	6	26	3	1	74	2	335	1,245	2	...	6	2	71	481	2,319	
	Prome	1883	...	...	53	4	13	63	...	1	181	1	538	1,552	...	...	9	3	190	598	3,906	
		1884	...	...	65	7	19	44	4	1	263	4	598	1,254	2	...	6	15	192	852	8,316	
	Total ...	1883	...	...	160	23	55	166	7	2	377	9	1,374	3,937	2	2	27	6	372	1,188	7,707	
		1884	...	...	171	34	53	105	9	2	471	8	1,422	4,448	5	...	25	19	332	1,591	8,695	
Irrawaddy.	Henzada	1883	...	...	44	10	12	27	2	...	70	...	298	855	2	...	2	1	120	1,240	2,683	
		1884	.	...	33	11	14	45	2	4	181	...	404	1,573	3	...	5	2	153	1,472	4,092	
	Bassein	1883	..	...	49	11	19	27	2	...	25	1	496	993	3	...	17	23	164	561	2,391	
		1884	...	...	47	17	37	46	2	...	232	4	619	1,786	1	5	14	9	176	563	3,558	
	Thôngwa	1883	...	...	52	10	16	36	2	1	44	...	554	1,355	...	...	6	23	163	333	2,602	
		1884	...	...	37	12	17	36	2	...	102	...	454	1,219	4	...	10	6	120	351	2,370	
	Thayetmyo	1883	...	...	17	11	6	15	...	2	50	1	177	992	...	...	5	2	72	370	1,710	
		1884	1	...	25	9	15	30	13	...	97	...	211	1,035	2	...	5	3	78	377	1,901	
	Total ...	1883	.	...	169	42	53	105	6	3	189	2	1,535	4,185	5	...	30	49	519	2,504	9,386	
		1884	1	...	142	49	83	157	19	4	612	4	1,778	5,713	10	5	34	20	527	2,763	11,921	

True Offences reported under each class in the year 1884 as compared with the previous year.

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
TENASSERIM.	Amherst	1883	...	...	12	2	6	6	1	...	41	3	246	653	4	...	7	1	118	204	1,304	
		1884	...	1	4	4	8	25	...	2	60	1	250	666	2	...	7	1	103	185	1,319	
	Shwegyin	1883	...	...	13	10	4	31	...	...	81	...	264	836	...	2	8	11	149	121	1,530	
		1884	...	...	22	6	7	23	4	...	79	2	215	932	...	1	9	7	150	162	1,619	
	Toungoo	1883	...	...	1	1	...	25	...	...	54	...	278	721	...	3	6	7	111	216	1,425	
		1884	...	...	3	2	9	16	1	...	34	1	253	831	1	2	11	10	90	171	1,435	
	Tavoy	1883	...	...	...	...	1	3	...	...	7	1	93	116	...	6	1	1	18	47	294	
		1884	...	...	2	2	...	9	1	...	5	...	106	178	...	2	3	4	21	52	365	
	Mergui	1883	..	...	16	1	3	...	...	..	11	1	92	207	...	...	...	...	39	62	432	
		1884	...	...	6	...	...	2	...	...	13	...	75	175	.	...	...	..	46	50	367	
	Salween	1883	...	...	1	2	2	...	...	...	...	...	10	13	...	...	1	...	4	17	50	
		1884	...	...	...	...	...	1	..	..	5	...	11	19	...	...	1	1	4	7	49	
	Moulmein	1883	...	...	4	2	4	19	...	...	44	...	437	282	1	1	23	..	213	1,116	2,097*	
		1884	...	...	10	1	5	29	...	1	54	1	424	273	2	1	32	17	246	1,798	2,894	
	Total	1883	...	...	47	18	20	84	1	..	238	5	1,420	2,778	5	12	48	20	652	1,763	7,132	
		1884	...	1	47	15	29	105	6	3	250	5	1,334	3 074	5	6	63	40	660	2,425	8,068	
	GRAND TOTAL	1883	...	...	402	88	152	424	17	10	941	18	5,132	12,611	13	15	122	81	1,393	6,074	27,794	
		1884	1	2	396	103	186	469	41	12	1,438	18	5,220	14,897	23	14	129	92	1,658	7,359	32,048	
	Increase	...	1	2	...	15	34	35	24	2	497	...	88	2,286	10	...	7	11	...	1,285	4,254	
	Decrease	...	...	...	6	...	...	...	...	...	...	...	...	...	...	1	...	...	35	...	...	

*Includes one offence under Chapter XXIII.

NOTE.—The number of cases returned as true for 1883 has been erroneously given as 27,994 in the report for that year, the correct figures being 27,794.

4. I extract from some of the district reports the causes of the increase and decrease of crime which District Officers suggest as affecting the amount of crime reported in the districts to which they are attached.

The District Magistrate of Prome says:

"As far as the returns go, there has been an increase of 110 cases returned as true during the year.

"This, however, does not show an increase in crime. There is a reduction of 298 cases in offences against property which is certainly satisfactory, whilst the increase is mainly due to the following:—

"Public tranquillity	12
"Nuisance under Penal Code	65
"Offences affecting the human body	60
"Special and local laws	271
Total ..	408

"There has been a large increase (211) of prosecutions for breach of municipal bye-laws and under the Police Acts, and 51 under the Gambling Act.

"Police vigilance has therefore a good deal to say to the increase under this head."

In Hanthawaddy the results seem to be very unsatisfactory. The Commissioner and the Deputy Commissioner agree in thinking the police of this district require strengthening, and they attribute the increase of offences against property to the practical impunity of the offenders.

Colonel Street, the Sessions Judge, says:

"The state of the whole district as regards violent crime and cattle-stealing has been most unsatisfactory, the Insein subdivision especially so. Some radical change is required amongst the police in that part. They have utterly failed to cope with crime, and the people have apparently no confidence in them."

The District Magistrate offers the following remarks:—

"Offences against property rose from 502 to 1,107 in the year of report, giving an increase over the previous year of 605 cases, or 120 per cent.

"Of the cases returned as true 761, or 68·68 per cent., were theft other than cattle-theft and dishonest retention of stolen property.

"The year under report has been marked by numerous violent crimes in the Insein subdivision. In the month of September a gang of robbers collected under the leadership of Nga Pwè. This gang gave constant trouble until the 2nd October, when a member of the gang, named Nga Aung Gaing, was arrested and Nga Pwè himself was wounded. The gang only committed one robbery after that date, and was not heard of again during the rest of the year.

"The last quarter was almost entirely free from violent crime in all parts of the district.

"In Insein subdivision there were altogether seven dacoities and 21 robberies committed during the year; in these cases there have only been three convictions.

"The increase in crime generally may, to a great extent, be attributed to the fact that the offenders are hardly ever brought to justice.

"I am fully aware that the conduct of the villagers has nearly always been unsatisfactory. Nga Pwe and his small gang created a thorough panic, and subsequent events which have taken place during the present year show that mere boys can without difficulty help themselves to arms and commit robberies with impunity. I cannot however hold the villagers entirely responsible for this state of things.

"In my opinion the police in the Insein subdivision are inefficient; I think the villagers know this, and that they have lost confidence in the police, knowing that they cannot expect prompt assistance."

The result of the committals to the Sessions confirms the opinion of the Sessions Judge and of the District Officers as to the inefficiency of the police in this division, the percentage of convictions to committals being only 47·74 per cent.

In the Irrawaddy division there has been a large increase of reported cases of offences against the person and against property in every district in the division except Thôngwa:—

		Offences against	
		Person.	Property.
Henzada	1883	298	855
	1884	494	1,673
Bassein ...	1883	496	993
	1884	619	1,786
Thayetmyo	1883	177	982
	1884	211	1,035

The Sessions Judge of the division appears to attribute much of this increase to the widespread spirit of gambling amongst the people. He says:

"There has been on the whole more crime in the division than even in 1883; but organized crimes have decreased, and since the new Gaming Act came into force an immense improvement has taken place. The utter disorganization and demoralization which were induced by the decision that ti gambling was not a lottery would hardly be credited by any one who was not an eyewitness; and not a few serious crimes as well as petty thefts and assaults were distinctly traceable to the prevalence of this form of gambling with which the executive was rendered powerless to cope."

I do not know if this view of the effect of the decision in question is shared by other officers of the province; but it would seem from Mr. Hodgkinson's remarks that the instances which came under his own observation were not very numerous in which this form of gambling—the *ti* game—was the proximate motive of the commission of crime. Up to this date, since my arrival in Rangoon in February last, I have examined the files of between 500 and 600 cases, but I have not met with a single instance in which the offence in question was atttributed, even remotely, to gambling. I am however too new to the province to venture to form an opinion on this subject.

Discussing the increase of reported crime in his own district, the District Magistrate of Bassein says:

"It is the Burmese custom, in this district at least, to report every case to the police whether cognizable or non-cognizable, and it is only in the event of their failing to obtain redress at the thana that they apply to the Court.

"This accounts for the absence of action under section 203, Code of Criminal Procedure. But as a rule the Native magistracy are perhaps somewhat too liberal in accepting complainants' statements and issuing processes, though the small percentage of false cases would more or less justify them in their confidence.

"There is an increase of no less than 692 cases over last year's figures probably due rather to increase of vigilance than of actual crime.

"The increase occurs mainly under three heads, namely, offences under local and special laws, which account for 386 cases; offences under Chapter XIV, mostly sections 294 and 294A; and minor offences against property. Chapter XVII, offences by or relating to public servants, which show an increase of nine cases, are all under sections 161 to 169, and are the result of sharper supervision of the rural and district police. Murder and culpable homicide have decreased, but dacoities rose from four to seven and robberies from 14 to 25. But even these figures will contrast not unfavourably with those of neighbouring districts, and the decrease in petty thefts is more or less genuine. The offences under local and special laws include prosecutions for bad livelihood under sections 109, 110, Code of Criminal Procedure. The large accession to this class of cases will be treated of later on. The appointment of an additional Excise Officer accounts more or less for the rise in offences under Act XXII of 1881, and the prosecution under the Fishery Act, in which no less than 124 persons were put on trial, were entirely directed against unauthorized bunding in streams available for traffic."

The District Magistrate of Henzada thinks gambling is perhaps the cause of part of the large increase of offences against the person in his district. He says:

"I cannot account for the great increase of cases of hurt, but I should think that part of it at any rate was due to a large increase of gambling consequent on the Judicial Commissioner's rulings on the subject of lotteries."

A good part of the increase in the Tenasserim group is due to increased municipal activity in the town of Moulmein, but Shwegyin and Tavoy show some increase of reported crime during the year.

The District Magistrate of Shwegyin says:

"A large increase is shown which may be the result of more correct entry. By far too many cases of housebreaking are still entered as thefts in a dwelling. The convictions again show badly, being 26 against 16 last year. It is probable that in some cases convictions were obtained under some other section of the Code, *e.g.*, section 411.

"In the previous year cattle thefts increased very largely as reported. Last year shows a fresh increase, but, judging from the number struck out owing to the recovery of cattle which were found only to have strayed, it may be that the people are more prompt in reporting losses than they were wont to be. One feature of the year is, however, the number of elephant thefts reported, amounting to eight, of which five were returned as true, while only one case resulted in a conviction. In previous years elephant thefts were unknown. It is however the fact that elephants are rapidly increasing both in number and value.

"The robberies were of a petty nature, but the general results of the year respecting violent crime against property is not only unsatisfactory in itself but forms a strong contrast with the result of the action taken in the previous year."

5. The annexed tables show in a collected form the principal offences against the person and against property for the two past years:—

Offences affecting the Human Body.

Offences.	Reported cases.		True cases.	
	1883.	1884.	1883.	1884.
Murder	186	158	118	148
Attempt at murder	32	22	20	19
Culpable homicide	53	44	41	36
Attempt at culpable homicide	...	...	...	...
Grievous hurt...	420	325	394	301
Rape	152	188	74	100
Unnatural offences	42	13	37	9
Hurt	1,905	2,062	1,719	1,720
Criminal force and assault	2,763	2,914	2,552	2,705

Offences against Property.

Offences.	Reported cases.		True cases.	
	1883.	1884.	1883.	1884.
Dacoity	98	128	80	120
Robbery, including attempts	282	283	171	194
Housebreaking and lurking house-trespass	1,016	1,050	908	894
Other house-trespass	123	586	114	488
Criminal trespass	673	410	508	348
Cattle-theft	1,403	1,626	936	1,385
Other thefts and receiving stolen property	11,373	11,967	8,502	10,177

6. These figures are good evidence of the necessity of action by Magistrates under Chapter VIII of the Criminal Procedure Code.

There has been much done in this direction by District Officers during 1884, but much remains to be done.

Complaints are made of the difficulty of getting villagers to come forward and speak out against the notorious bad characters who infest their locality.

The Sessions Judge of Tenasserim says:

"Much care is now taken to keep in view persons of dangerous or notoriously criminal character. The difficulty is to get evidence against such men. Burmans of some position shrink from coming forward to state what they know. They are under a system of terror. Threats to deter them are freely used by the men of bad character, and they fear to expose themselves to their revenge. The same persons would perhaps readily give evidence regarding a specific offence; but when it comes to a question of general character, they are afraid of being regarded as malicious and of suffering injury from the accused or his friends."

There are however signs of the people being moved to help the authorities in this matter. The District Magistrate of Tavoy reports that most of the security cases in his district were sent up at the request of the village elders.

The District Magistrate of Toungoo writes:

"Of late, however, a decided improvement as regards energy and a determination to cope with the heavy type of crime, which has for some time past characterized this district, has shown itself, especially by the people themselves, which is a hopeful feature."

The Sessions Judge of Tenasserim, writing of Toungoo, says:

"A good deal has been done lately to encourage the rural police and people at large to help in checking crime in the Toungoo district. Special yazawut-gaungs have been appointed for six months, the regular gaungs' circuits being subdivided for the purpose. The pay of these extra men has been provided from provincial services.

"Crime is hard to deal with in the Toungoo district owing to its situation on the frontier.

"Large numbers of persons pass into and out from it on their way to or from British territory. A certain proportion of these people are of criminal tendencies, and it is easy for them to commit an offence in the district and then to quit it northwards or southwards without leaving a trace behind."

Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below :—

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.	
		1883.	1884.	1883.	1884.	1883.	1884.
Arakan ...	Akyab	20	104	...	42	20	62
	Kyaukpyu	90	163	17	58	72	105
	Sandoway	13	34	2	8	11	26
	Northern Arakan	...	1	...	1	...	...
	Total ...	123	302	19	109	103	193
Pegu ...	Hanthawaddy	47	63	7	18	38	45
	Pegu	223	85	124	34	98	51
	Tharrawaddy	164	96	63	16	99	79
	Prome	208	229	70	80	134	148
	Total ...	642	473	264	148	369	323
Irrawaddy ...	Henzada	240	360	83	119	153	238
	Bassein	178	465	49	111	128	350
	Thôngwa	77	116	25	37	50	76
	Thayetmyo	82	92	34	28	47	63
	Total ...	577	1,033	191	295	378	727
Tenasserim ...	Amherst	31	43	...	18	31	25
	Shwegyin	109	100	36	46	72	54
	Toungoo	16	102	6	33	8	55
	Tavoy	4	40	...	6	4	34
	Mergui	8	1	7	...	1	1
	Salween	...	1	...	1	...	...
	Moulmein	19	78	2	30	17	48
	Total ...	187	365	51	134	133	217
	Grand Total ...	1,529	2,173	525	686	983	1,460

7. The statement shows creditable results as compared with 1883. The number of cases in which the results justified the institution of proceedings was rather more favourable than in 1883. I have been alive to the great importance of closely watching the action of Magistrates in this class of cases; I have examined many files from different parts of the province; and I have satisfied myself that the proceedings were regular, that the security asked was reasonable, and that the order was justified by evidence.

The following table shows the effective strength of the magistracy at the close of the year:—

Number and Distribution of Magistrates.

Division.	Name of district.	Stipendiary Magistrates.				Special Magistrates.				Honorary Magistrates including Benches.			
		First class, including District Magistrates.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Arakan.	Akyab	5	2	3	10	...	...	...	...	...	9	...	9
	Kyaukpyu	2	4	1	7	...	...	...	...	...	...	...	...
	Sandoway	1	1	2	4	...	...	...	...	...	...	...	...
	Northern Arakan	1	...	...	1	...	...	...	...	...	...	...	...
	Total ...	9	7	6	22	...	...	...	...	...	9	...	9
Pegu.	Hanthawaddy	3	2	2	7	...	...	...	...	...	...	...	...
	Pegu	3	6	...	9	...	...	...	...	...	...	...	...
	Tharrawaddy	3	5	...	8	...	...	...	...	...	...	...	...
	Prome	5	4	1	10	...	...	...	...	...	3	1	4
	Total ...	14	17	3	34	...	...	...	...	...	3	1	4
Irrawaddy.	Henzada	5	2	2	9	...	...	...	...	...	2	2	4
	Bassein	7	6	1	14	...	...	...	...	...	6	...	6
	Thôngwa	3	7	...	10	...	1	...	1	...	...	...	...
	Thayetmyo	4	3	2	9	...	...	...	...	...	...	...	...
	Total ...	19	18	5	42	...	1	...	1	...	8	2	10
Tenasserim.	Amherst	3	5	6	14	...	...	1	1	...	...	...	...
	Shwegyin	3	4	1	8	...	...	...	...	...	...	...	...
	Toungoo	4	3	4	11	...	...	...	...	...	...	5	5
	Tavoy	2	3	...	5	...	...	...	...	...	...	...	...
	Mergui	1	2	3	6	...	...	...	...	...	...	...	...
	Salween	1	1	...	2	...	...	...	...	...	...	...	...
	Moulmein	2	...	...	2	...	...	...	...	...	10	...	10
	Total ...	16	18	14	48	...	...	1	1	...	10	5	15
	Grand Total ...	58	60	28	146	...	1	1	2	...	30	8	38

The next table shows how the criminal judicial work of the past year was distributed among Magistrates:—

Persons disposed of by Magistrates.

Division.	Name of district.	At headquarters of district.				At headquarters of subdivisions.			At headquarters of townships.			Total disposed of.
		District Magistrate.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	
Arakan.	Akyab	188	965	...	178	...	159	...	231	555	...	2,276
	Kyaukpyu ...	191	181	115	...	...	...	...	...	755	...	1,242
	Sandoway ...	170	...	141	...	...	...	...	...	188	...	499
	Northern Arakan ...	69	...	...	...	...	...	...	...	...	...	69
	Total ...	618	1,146	256	178	...	159	...	231	1,498	...	4,086
Pegu.	Hanthawaddy ...	265	55	6	...	575	...	...	357	592	...	1,850
	Pegu	163	...	230	...	521	...	...	...	1,313	...	2,227
	Tharrawaddy ...	197	892	...	...	439	...	...	339	1,771	...	3,138
	Prome	224	1,564	...	286	1,496	119	...	618	735	...	5,042
	Total ...	849	2,011	236	286	3,031	119	...	1,314	4,411	...	12,257
Irrawaddy.	Henzada	271	292	1,093	396	1,158	237	...	...	986	...	4,383
	Bassein	187	572	510	326	442	...	...	...	2,574	...	4,611
	Thôngwa	151	...	505	...	386	1,356	...	...	1,042	111	3,501
	Thayetmyo ...	236	678	267	...	450	248	...	...	371	...	2,250
	Total ...	845	1,542	2,375	722	2,386	1,841	...	...	4,923	111	14,745
Tenasserim.	Amherst	152	287	...	96	273	85	...	247	759	...	1,849
	Shwegyin ...	208	501	...	...	272	399	...	243	309	...	1,932
	Toungoo	122	452	...	271	141	...	..	...	464	...	1,450
	Tavoy	117	...	...	...	...	...	...	318	35	...	470
	Mergui	171	196	...	...	...	...	...	...	46	...	413
	Salween	34	...	37	...	...	...	...	...	...	...	71
	Moulmein ...	630	...	1,428	1,983	...	...	...	...	...	...	4,041
	Total ...	1,434	1,936	1,465	2,350	686	484	...	808	1,613	...	10,226
	Grand Total ...	3,746	6,085	4,332	3,536	6,103	2,603	...	2,353	12,445	111	41,314
	Percentage to total disposed of ...	9·07	14·73	10·48	8·56	14·77	6·30	...	5·70	30·12	·27	100·00

Besides District Magistrates the following Magistrates were empowered at the close of the year to try cases summarily:—

	Number.
Cantonment Magistrate	1
Assistant Commissioners	10
Extra Assistant Commissioners	8
Myooks	...
Special Magistrates	...
Honorary Magistrates, including Benches	21
Total ...	35

The following table shows to what extent Magistrates used their summary powers:—

Cases disposed of by Magistrates under Summary Powers.

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	147	1,349	1,496	53	356	409	27·34
	Kyaukpyu	146	849	995	17	...	17	1·71
	Sandoway	125	232	357	16	...	16	4·48
	Northern Arakan	42	...	42	23	...	23	54·76
	Total ...	460	2,430	2,890	109	356	465	16 09
Pegu.	Hanthawaddy	158	914	1,072	6	95	101	9·42
	Pegu	114	1,245	1,359	5	43	48	3·53
	Tharrawaddy	180	1,701	1,881	...	...	...	...
	Prome	131	2,861	2,992	3	814	817	27·31
	Total ...	583	6,721	7,254	14	952	966	13·32
Irra-waddy.	Henzada	156	3,004	3,160	2	46	48	1·52
	Bassein	79	2,593	2,672	39	229	268	10·03
	Thôngwa	93	1,822	1,915	2	39	41	2·14
	Thayetmyo	132	1,099	1,231	32	246	278	22·58
	Total ...	460	8,518	8,978	75	560	635	7·07
Tenasserim.	Amherst	96	1,001	1,097	1	63	64	5·83
	Shwegyin	135	990	1,125	16	37	53	4·71
	Toungoo	71	855	926	5	196	201	21·70
	Tavoy	69	251	320	6	...	6	1·88
	Mergui	123	156	279	48	...	48	17·20
	Salween	19	30	49	2	...	2	4·81
	Moulmein	403	2,474	2,877	250	...	250	8·69
	Total ...	916	5,757	6,673	328	296	624	9·35
	Grand Total ...	2,369	23,426	25,795	526	2,164	2,690	10·43

All District Magistrates have been specially empowered, under section 30 of the Criminal Procedure Code, to try all cases not punishable with death.

The following table shows the number and class of cases disposed of by the District Magistrates in the past two years under these powers:—

Table showing the Number of Cases and Persons disposed of by District Magistrates under their Special Powers.

Division.	District.	Year.	Number of cases disposed of.	Number of persons disposed of.	Description of offence charged.
ARAKAN ...	Akyab	1883	1	1	Under section 380 of the Indian Penal Code.
		1884	9	10	Under sections 232, 233, 380, 392, and 457 of the Indian Penal Code.
	Kyaukpyu ...	1883	13	17	Under sections 326, 380, 392, 395, 398, and 457 of the Indian Penal Code.
		1884	28	33	Under sections 326, 379, 380, 382, 392, 394, 395, 397, 398, 436, 452, 457, and 458 of the Indian Penal Code.
	Sandoway ...	1883	13	18	Under sections 304, 376, 379, 380, 394, 414, and 457 of the Indian Penal Code.
		1884	10	16	Under sections 302, 307, 376, 379, 380, 396, 436, 457, and 511 of the Indian Penal Code.
	Northern Arakan ...	1883	...	...	...
		1884	...	..	...
PEGU ...	Hanthawaddy ...	1883	21	35	Under sections 356, 379, 380, 392, 394, 395, 414, 429, and 457 of the Indian Penal Code.
		1884	26	47	Under sections 326, 379, 380, 384, 394, 394, 395, 409, 411, 457, and 471 of the Indian Penal Code.
	Pegu	1883	27	33	Under sections 232, 307, 366, 379, 392, 394, 397, 400, 403, 411, 414, 436, and 458 of the Indian Penal Code.
		1884	31	54	Under sections 366, 379, 377, 379, 380, 392, 394, 397, 409, 411, and 414 of the Indian Penal Code.
	Tharrawaddy ..	1883	32	44	Under sections 232, 326, 379, 380, 382 392,, 394, 395, 408, 411, 414, and 457 of the Indian Penal Code.
		1884	53	64	Under sections 376, 379, 380, 382, 392, 394, 395, 397, 398, 411, 412, 414, and 436 of the Indian Penal Code.
	Prome	1883	24	38	Under sections 326, 376, 379, 380, 392, 394, 395, 436, and 457 of the Indian Penal Code.
		1884	21	39	Under sections 376, 379, 380, 381, 382, 394, and 457 of the Indian Penal Code.
IRRAWADDY ...	Henzada ...	1883	13	20	Under sections 324, 326, 380, 380, 392, 392, 394, 395, 454, 457, and 468 of the Indian Penal Code.
		1884	29	40	Under sections 326, 379, 392, 392, 394, 436, 452, 454, 457, and 468 of the Indian Penal Code.
	Bassein	1883	23	29	Under sections 326, 376, 379, 380, 392, 394, 395, 457, and 458 of the Indian Penal Code.
		1884	13	14	Under sections 326, 379, 392, 393, 394, 409, 457, and 459 of the Indian Penal Code.
	Thôngwa ...	1883	39	62	Under sections 235, 302, 307, 326, 366, 379, 380, 392, 392, 394, 395, 398, 399, 411, 436, 454, and 457 of the Indian Penal Code.
		1884	40	69	Under sections 201, 302, 326, 366, 376, 379, 380, 392, 393, 394, 397, 398, 409, 436, 457, 467, 468, and 471 of the Indian Penal Code.
	Thayetmyo ...	1883	7	13	Under sections 379, 380, 392, 394, 395, 456, 457, and 511 of the Indian Penal Code.
		1884	15	37	Under sections 379, 380, 395, 402, 412, 457, and 511 of the Indian Penal Code.
TENASSERIM ...	Amherst ...	1883	9	11	Under sections 376, 379, 379, 380, and 457 of the Indian Penal Code.
		1884	8	10	Under sections 376, 379, 380, 411, and 457 of the Indian Penal Code.
	Shwegyin ...	1883	27	35	Under sections 326, 376, 379, 380, 394, 395, 411, 414, 436, and 457 of the Indian Penal Code.
		1884	36	56	Under sections 326, 363, 376, 379, 392, 394, 395, 397, 402, 411, 414, 419, 436, and 457 of the Indian Penal Code.
	Toungoo ...	1883	20	34	Under sections 304, 326, 379, 380, 392, 395, 411, 412, and 457 of the Indian Penal Code.
		1884	14	21	Under sections 379, 380, 392. 394, 395, 408, 411, 436, and 457 of the Indian Penal Code.
	Tavoy	1883	12	14	Under sections 326, 375, 376, 379, 380, 382, 411, 456, and 457 of the Indian Penal Code.
		1884	15	19	Under sections 232, 324, 326, 363, 376, 379, 380, and 457 of the Indian Penal Code.
	Mergui	1883	1	1	Under section 379 of the Indian Penal Code.
		1884	3	3	Under sections 326, 328 and 380 of the Indian Penal Code.
	Salween ...	1883	...	...	...
		1884	1	3	Under section 395 of the Indian Penal Code.
	Moulmein ...	1883	...	...	...
		1884	1	1	Under section 408 of the Indian Penal Code.
	Total ...	1883	282	405	Under sections 232, 235, 302, 304, 307, 324, 326, 356, 366, 375, 376, 379, 379, 379, 379, 380, 380, 380, 392, 392, 394, 394, 395, 397, 398, 399, 400, 403, 408, 411, 412, 414, 414, 429, 436, 454, 456, 457, 458, 468, and 511 Indian Penal Code.
		1884	353	536	Under sections 201, 232, 233, 302, 307, 324, 326, 328, 363, 366, 376, 379, 379, 380, 380, 381, 382, 384, 392, 393, 394, 395, 396, 397, 398, 402, 408, 409, 411, 412, 414, 419, 436, 452, 454, 457, 458, 459, 468, 471, and 511 of the Indian Penal Code.

The next four tables show the work done by the different classes of Magistrates during each of the past five years :—

Work done by District Magistrates.

Division.	Name of district.	Persons disposed of.				
		1880.	1881.	1882.	1883.	1884.
Arakan ...	Akyab	120	67	115	105	188
	Kyaukpyu	171	151	136	168	191
	Sandoway	187	118	142	164	170
	Northern Arakan	36	22	16	19	69
	Total ...	514	358	409	456	618
Pegu ...	Hanthawaddy	145	74	145	176	265
	Pegu	...	...	...	225	168
	Tharrawaddy	239	227	133	249	197
	Prome	395	244	190	187	224
	Total ...	779	545	468	837	849
Irrawaddy	Henzada	374	396	327	386	271
	Bassein	256	246	131	477	187
	Thôngwa	402	266	288	215	151
	Thayetmyo	105	114	285	181	236
	Total ...	1,137	1,022	981	1,259	845
Tenasserim	Amherst	82	103	79	110	152
	Shwegyin	309	118	125	184	208
	Toungoo	292	205	213	257	122
	Tavoy	71	93	107	87	117
	Mergui	255	425	283	282	171
	Salween	74	46	39	48	84
	Moulmein	2,086	1,816	402	443	630
	Total ...	3,169	2,806	1,198	1,361	1,484
	Grand Total ...	5,599	4,231	3,056	3,913	3,746
	Percentage to total disposed of by all Magistrates.	17·46	13·83	9·11	10·49	9·07

Work done by Assistant Commissioners and Extra Assistant Commissioners.

Division.	Name of district.	Persons disposed of.				
		1880.	1881.	1882.	1883.	1884.
Arakan ...	Akyab	1,288	835	782	783	1,196
	Kyaukpyu	58	213	172	311	181
	Sandoway	127	227	186	8	...
	Northern Arakan	...	...	...	...	...
	Total ...	1,468	1,275	1,140	1,097	1,377
Pegu ...	Hanthawaddy	783	625	865	1,051	987
	Pegu	1,031	671	861	887	521
	Tharrawaddy	1,276	1,827	760	1,048	1,170
	Prome	3,807	3,167	3,124	3,495	3,678
	Total ...	6,897	5,790	5,610	6,481	6,356
Irrawaddy	Henzada	1,186	1,403	699	889	1,450
	Bassein	1,395	1,250	1,103	710	1,014
	Thôngwa	1,100	885	775	884	336
	Thayetmyo	750	814	997	1,115	1,128
	Total ...	4,431	4,352	3,574	3,598	3,928
Tenasserim	Amherst	903	718	885	784	757
	Shwegyin	1,389	1,240	1,297	1,233	1,016
	Toungoo	632	618	528	507	593
	Tavoy	287	267	292	173	318
	Mergui	88	202	145	211	196
	Salween	...	...	...	...	...
	Moulmein	...	...	...	...	...
	Total ...	3,299	3,045	3,097	2,908	2,880
	Grand Total ...	15,595	14,462	13,421	14,084	14,541
	Percentage to total disposed of by all Magistrates.	48·64	47·26	40·08	37·75	35·20

Work done by Myoôks.

Division.	Name of district.	Persons disposed of.				
		1880.	1881.	1882.	1883.	1884.
Arakan ...	Akyab	976	910	801	865	714
	Kyaukpyu	809	748	1,024	722	870
	Sandoway	116	208	246	809	329
	Northern Arakan	18	...	...	...	...
	Total ...	1,919	1,866	2,071	1,896	1,918
Pegu ...	Hanthawaddy	422	506	741	521	598
	Pegu	791	571	587	956	1,548
	Tharrawaddy	808	663	1,815	1,453	1,771
	Prome	135	706	669	511	854
	Total ...	1,656	2,446	3,812	3,441	4,766
Irrawaddy	Henzada	1,174	1,044	2,149	2,488	2,266
	Bassein	2,262	2,126	2,069	2,748	3,084
	Thongwa	1,318	1,204	1,576	2,118	2,903
	Thayetmyo	767	680	718	505	886
	Total ...	5,521	5,054	6,512	7,854	9,189
Tenasserim	Amherst	615	637	657	721	844
	Shwegyin	583	321	324	486	708
	Toungoo	804	341	482	480	464
	Tavoy	62	74	58	55	85
	Mergui...	81	115	76	108	46
	Salween	26	39	22	34	37
	Moulmein	...	807	500	1,051	1,428
	Total ...	1,671	1,884	2,119	2,930	3,562
	Grand Total ...	10,767	11,200	14,514	16,121	19,380
	Percentage to total disposed of by all Magistrates.	33·58	36·60	43·29	43·21	46·91

Work done by Honorary Magistrates, including Benches and Special Magistrates.

Division.	Name of district.	Persons disposed of.				
		1880.	1881.	1882.	1883.	1884.
Arakan ...	Akyab	...	20	280	369	178
	Kyaukpyu	...	...	...	...	...
	Sandoway	...	...	...	...	...
	Northern Arakan	...	6	...	...	...
	Total ...	...	26	280	369	178
Pegu ...	Hanthawaddy	...	...	...	...	...
	Pegu	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...
	Prome	...	39	150	3	286
	Total ...	...	39	150	3	286
Irrawaddy	Henzada	...	24	154	227	396
	Bassein	...	166	333	352	326
	Thongwa	...	...	11	171	111
	Thayetmyo	...	...	...	...	...
	Total ...	...	190	498	750	833
Tenasserim	Amherst	103	58	63	47	96
	Shwegyin	...	...	...	...	...
	Toungoo	...	60	290	212	271
	Tavoy	...	...	...	...	...
	Mergui	...	...	...	...	...
	Salween	...	...	...	...	...
	Moulmein	...	335	1,255	1,806	1,988
	Total ...	103	453	1,608	2,065	2,350
	Grand Total ...	103	708	2,536	3,187	3,647
	Percentage to total disposed of by all Magistrates.	·32	2·31	7·57	8·55	8·88

8. The Benches are now giving valuable assistance in dealing with the less serious offences. At Moulmein the Bench continues to be most active, but those at Prome, Henzada, Bassein, and Toungoo have done much in relieving the paid magisterial staff of those stations.

The two following tables show the results of inquiries and trials before Magistrates during the past two years for the whole district and also under selected offences :—

Result of Trials and Inquiries by Magistrates in each District.

Division.	District.	Persons under trial.	Convicted or committed.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals to total tried.	
						1883.	1884.
Arakan.	Akyab	2,303	1,370	906	27	65·08	60·19
	Kyaukpyu	1,247	793	449	5	60 06	63·84
	Sandoway	510	297	202	11	55·97	59·52
	Northern Arakan	71	25	44	2	57 89	36·23
	Total ...	4,131	2,485	1,601	45	62 78	60 82
Pegu.	Hanthawaddy	1,886	1,080	770	36	52·63	58·38
	Pegu	2,290	1,185	1,042	63	56 57	53·21
	Tharrawaddy	3,229	2,033	1,105	91	55·52	64·79
	Prome	5,110	3,800	1,742	68	64·37	65 45
	Total ...	12,515	7,598	4,659	258	58 70	61·99
Irrawaddy.	Henzada	4,443	2,840	1,543	60	67·77	64 79
	Bassein	4,703	2,522	2,089	92	56·42	54·70
	Thôngwa	3,587	1,958	1,543	86	56·25	55·93
	Thayetmyo	2,281	1,425	825	31	59 02	63·33
	Total ...	15,014	8,745	6,000	269	60·09	59 31
Tenasserim.	Amherst	1,931	1,084	765	82	54·21	58·63
	Shwegyin	1,986	1,038	894	54	54·59	53·78
	Toungoo	1,464	718	737	14	48·76	49·17
	Tavoy	471	291	179	1	66·34	61·91
	Mergui	414	251	162	1	73·80	60·77
	Salween	71	34	37	...	65·85	47·89
	Moulmein	4,069	2,497	1,544	28	62·48	61·79
	Total ...	10,406	5,908	4,318	180	58·05	57·77
	Grand Total ...	42,066	24,736	16,578	752	59·46	59 87

Result of Trials and Inquiries by Magistrates under selected Offences.

Description of offence.	Number of persons discharged, acquitted, convicted, or committed.	Convicted or committed.		
		Number.	Percentage.	
			1883.	1884.
Offences against public tranquillity	2,152	1,241	62·50	57·67
Grievous hurt	397	220	55·51	57·68
Simple hurt	2,493	1,133	44·14	45·45
Criminal force or assault	4,492	1,688	40·51	36·46
Rape	116	50	44 62	43·10
Theft (ordinary and of cattle)	8,810	5,286	61·85	68 61
Extortion with aggravating circumstances	70	36	48·00	51·43
Robbery, including attempts	341	220	68·48	64·52
Dacoity	307	210	68·72	68·40
Criminal misappropriation	252	177	57·05	70·24
Criminal breach of trust	269	144	47 80	53·53
Receiving or habitually dealing in stolen property	703	487	68·95	69·27
Cheating	257	102	40 56	39·69
Mischief	779	274	34·10	35·18
Criminal trespass	599	177	38 51	29·54
House-trespass	594	242	52·88	40·74
Housebreaking and lurking house-trespass by day or night ...	630	386	60·75	61 26
Offences relating to documents and to trade or property marks ...	30	17	38·46	56·67
Defamation	128	23	44·64	17·97
Criminal intimidation, insult, and annoyance	2,241	722	38·04	32·22
Nuisances under Cantonment, Municipal, and Police Acts ...	4,274	3,837	82·05	89·78
Breaches of other special and local laws	7,705	5,471	72·67	71·01

The number of persons committed to the Sessions and the proportion of convictions to committals is shown below:—

Sessions division.	Cases committed.	Persons committed.	Percentage of persons convicted to total persons disposed of.	
			1883.	1884.
Arakan	48	70	84·44	86·20
Pegu	102	162	58·69	47·74
Irrawaddy	143	296	65·06	64·80
Tenasserim	46	74	66·66	61·33
Moulmein	49	66	60·00	56·92
Total ...	388	668	64·31	61·40

9. The police of the Pegu Division seem to have been very unsuccessful in the more serious class of crime which was committed to the Sessions, only 47·74 per cent. being convicted in the Pegu Sessions Court as compared with 61·40 per cent., the average of the whole province. In the investigation of petty crime and Magistrates' cases the police had as good results in the Pegu Division as elsewhere.

The following table compares the sentences passed in Sessions Courts in the past two years :—

Punishments in Sessions Courts.

Class of punishment.	1883.	1884.
Death	34	45
Transportation for life	74	60
Transportation for a term	45	57
Rigorous imprisonment only	143	196
Simple imprisonment only	3	2
Fine only	2	...
Whipping only	...	2
Fine and whipping only	...	...
Rigorous imprisonment with fine...	8	22
Rigorous imprisonment with whipping	1	9
Simple imprisonment with fine	...	...
Total ...	310	393

The next table shows the different classes of punishments inflicted in Magisterial Courts :—

Punishments in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both.		Solitary confinement.		Transportation for a term.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Arakan ..	Akyab	1,320	755	57·20	45	3·41	..	..	402	30·45	11	·83	100	7·58	14	1·06	7	·53
	Kyaukpyu	768	317	41·28	26	3·39	1	·13	306	39·84	19	2·47	99	12·89	..	..	..	..
	Sandoway	279	117	41·94	12	4·30	..	..	90	32·26	13	4·66	47	16·84	..	..	..	..
	Northern Arakan ..	25	18	72·00	..	..	..	..	4	16·00	1	4·00	2	8·00	..	..	..	..
	Total ..	2,392	1,207	50·46	83	3·47	1	·04	802	33·53	44	1·84	248	10·37	14	·58	7	·29
Pegu ..	Hanthawaddy ..	1,025	384	37·46	50	4·88	..	..	527	51·41	6	·59	58	5·66	20	1·95	..	..
	Pegu	1,078	615	57·05	39	3 62	..	..	326	30·24	7	·65	91	8·44	..	..	..	..
	Tharrawaddy ..	1,820	1,018	55·93	44	2·42	..	..	612	33·63	18	·96	128	7·03	42	2·30	..	..
	Prome	3,071	2,219	72·26	119	3·88	..	..	500	16·28	16	·52	217	7·06	4	·13	..	..
	Total ..	6,994	4,236	60·56	252	3·60	..	..	1,965	28·09	47	·67	494	7·08	66	·94	..	..
Irrawaddy ..	Henzada	3,733	1,830	66·96	107	3·92	..	..	669	24·48	15	·55	112	4·09	11	·40	..	..
	Bassein	2,443	1,430	58·53	159	6·51	..	..	557	22·80	22	·90	275	11·26	11	·45	..	..
	Thôngwa	1,836	1,033	56·26	76	4·14	..	..	639	34·81	7	·38	81	4·41	7	·38	..	..
	Thayetmyo	1,360	864	63·53	116	8·53	..	..	319	23 46	6	·44	55	4·04	7	·51	..	..
	Total ..	8,372	5,157	61·60	458	5·47	..	..	2,184	26·08	50	·60	523	6·25	36	·43	..	..
Tenasserim ..	Amherst	920	506	55·00	12	1·30	..	..	364	39·57	7	·76	31	3·37	..	..	..	..
	Shwegyin	1,002	623	62·17	21	2·10	..	..	304	30·34	13	1·30	41	4·09	..	..	..	..
	Toungoo	699	420	60·09	24	3·43	..	..	203	29·04	4	·57	45	6·44	7	1·00	3	·43
	Tavoy	290	121	41·72	17	5·86	..	..	124	42·76	2	·69	26	8·97	..	..	..	..
	Mergui	243	149	61·32	7	2·88	..	..	72	29·63	2	·82	13	5·35	..	..	..	..
	Salween	31	..	..	..	..	..	..	9	29·03	6	19·36	16	51·61	..	..	..	..
	Moulmein	2,431	2,193	90·21	53	2·18	..	..	103	4 24	17	·70	65	2·67	1	·04	..	..
	Total ..	5,616	4,012	71·44	134	2·39	..	..	1,179	20·99	51	·91	237	4·22	8	·14	3	·05
	Grand Total ..	23,374	14,612	62·51	927	3·97	1	..	6,130	26·23	192	·82	1,502	6·43	124	·53	10	·04

The degrees of punishment inflicted in Sessions and Magisterial Courts are given below :—

Degrees of Punishment in Sessions and Magisterial Courts.

Degrees of punishment.	1883.		1884.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	729	8·92	1,155	12·62
Not exceeding 6 months	4,679	57·28	4,987	54·48
Not exceeding 2 years	1,975	24·15	2,215	24·20
Not exceeding 7 years	766	9·37	758	8·28
Exceeding 7 years	27	·33	39	·42
Total ...	8,176	100·00	9,154	100·00
Whipping (b)—				
10 stripes and under	185	25·10	220	18·50
11 to 20 stripes	363	49·25	582	48·95
21 to 30 stripes	189	25·65	387	32·55
Total ...	737	100·00	1,189	100·00
Fine (c)—				
Rupees 10 and under	9,481	65·65	10,693	67·19
Rupees 50 and under	4,055	28·08	4,183	26·28
Rupees 100 and under	672	4·65	740	4·65
Rupees 500 and under	223	1·54	286	1·80
Rupees 1,000 and under	11	·08	9	·06
Exceeding Rupees 1,000	1	·00	3	·02
Total ...	14,443	100·00	15,914	100·00

(*a*) With or without fine or whipping.
(*b*) With or without imprisonment or fine.
(*c*) With or without imprisonment or whipping.

Table showing the Sentences passed on Persons previously convicted.

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
	IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.							Fine only.	Whipping only.	Total.
	Transportation.	Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.			
Persons previously convicted once ...	1	1	110	395	171	47	12	68	56	861
Persons previously convicted twice ...	5	2	67	110	26	5	1	6	11	233
Persons previously convicted three times...	...	...	49	27	8	...	...	...	2	81
Persons previously convicted four times ...	1	...	18	9	...	...	...	...	...	28
Persons previously convicted five times ...	...	...	2	...	...	...	...	...	...	2
Persons previously convicted six times ...	...	...	2	...	...	...	...	...	...	2
Persons previously convicted seven times...	...	...	...	...	...	...	...	...	...	...
Persons previously convicted nine times ...	...	...	...	...	...	...	...	...	...	...
Total ...	7	3	248	541	200	52	13	74	69	1,207

The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below :—

	1883.			1884.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	2,49,384	13	0	3,20,691	12	10
Realized	1,66,964	10	1	1,98,685	9	1
Remitted	2,214	12	3	10,558	6	8
Struck off	17,844	10	0	30,777	3	3
Compensation granted	21,768	13	2	31,841	13	4

10. It seems doubtful whether Magistrates as a body are careful to regulate the fine to the means of the offender.

There is an improvement in the amount of compensation granted, but Magistrates do not sufficiently make use of their powers in recouping injured persons out of fines.

The next table shows the detention of witnesses in magisterial Courts and the number of witnesses examined :—

Examination and Detention of Witnesses in Magisterial Courts.

Witnesses discharged in all Courts.	1883.		1884.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1883.	1884.
First day	79,489	88·50	88,107	87·03	74,578	81,965
Second day	8,208	9·24	10,222	10 10	8,119	9,639
Third day	1,663	1·85	2,044	2·02	1,546	1,824
After third day	372	·41	874	·86	364	861
Total ...	89,822	100·00	101,247	100·00	84,607	94,289

The following table shows the average duration of cases brought to trial and disposed of by Magistrates, distinguishing complaint and direct cases from police cases :—

Duration Statement of Cases in Magisterial Courts.

Division.	Name of district.	Police cases.			Complaint and direct cases.			Average duration of all cases.	
		Total cases disposed of.	Total duration.	Average duration.	Total cases disposed of.	Total duration.	Average duration.	1883.	1884.
Arakan.	Akyab	746	4,565	6·	750	4,624	6·	7·	6·
	Kyaukpyu	682	3,774	6·	313	838	3·	5·	5·
	Sandoway	176	1,542	9·	181	1,010	6·	5·	7·
	Northern Arakan ...	28	113	4·	14	75	5·	3·	4·
	Total ...	1,632	9,994	6·	1,258	6,547	5·	6·	6·
Pegu.	Hanthawaddy	761	3,716	5·	311	3,133	10·	5·	6·
	Pegu	974	7,518	8·	385	4,685	12·	6·	9·
	Tharrawaddy	1,506	8,307	6·	325	2,959	9·	6·	6·
	Prome	2,234	20,667	9·	758	3,283	4·	4·	8·
	Total ...	5,475	40,208	7·	1,770	14,060	8·	5·	7·
Irrawaddy.	Henzada	2,212	12,583	6·	948	5,401	6·	6·	6·
	Bassein	1,526	8,292	5·	1,146	9,007	8·	9·	6·
	Thôngwa	1,091	4,785	4·	324	6,260	8·	6·	6·
	Thayetmyo	813	3,854	5·	418	2,815	7·	4·	5·
	Total ...	5,642	29,514	5·	3,836	23,483	7·	7·	6·
Tenasserim.	Amherst	537	3,016	6·	560	3,101	6·	9·	6·
	Shwegyin	651	5,691	9·	474	5,017	11·	10·	10·
	Toungoo	509	2,532	5·	417	5,474	13·	6·	9·
	Tavoy	168	970	6·	152	1,330	9·	4·	7·
	Mergui	167	431	3·	112	544	5·	2·	3·
	Salween	35	343	10·	14	80	6·	4·	9·
	Moulmein	1,048	3,700	4·	1,829	21,249	12·	5·	9·
	Total ...	3,115	16,683	5·	3,558	36,795	10·	7·	8·
	Grand Total ...	15,864	96,399	6·	9,931	80,885	8·	8·	7·

The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below :—

Duration of Cases in Sessions Courts.

Sessions division.	Number of cases tried.	Total duration.	Average duration.		Longest duration.	Remarks.
			1883.	1884.		
Arakan	42	2,889	21·	69·	148·	
Pegu	100	2,878	51·	29·	109·	
Irrawaddy	125	6,003	40·	48·	280·	
Tenasserim	49	4,188	52·	84·	236·	
Moulmein	49	780	18·	16·	56·	
Total ...	365	16,683	36·	46·	280·	

The number of appeals disposed of last year as compared with the previous year is shown below :—

Appellate Courts.	1883.	1884.
District Magistrates	461	668
Sessions Judges	1,187	1,475
Judicial Commissioner	362	447

11. The number of appeals continues, and probably will continue, to increase now that the power of enhancement is withdrawn from Courts of Session. An appeal costs nothing, and most convicts are inclined to try their chances.

The results of appeals disposed of are shown in the next table :—

Result of Appeals.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose					
				Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Arakan.	District Magistrate of Akyab ...	11	12	9	2	...	...	1	91·67
	District Magistrate of Kyaukpyu	56	57	3	30	8	...	16	57·89
	District Magistrate of Sandoway...	31	40	...	32	3	2	3	80·00
	District Magistrate of Northern Arakan	...	...	...	...	...	...	...	...
	Sessions Judge of Arakan ...	245	313	203	2	58	5	38	65·50
	Total ...	343	422	215	66	64	7	58	66·59
Pegu.	District Magistrate of Hanthawaddy	24	31	2	6	2	...	21	25·81
	District Magistrate of Pegu ...	26	36	17	10	6	...	1	75·00
	District Magistrate of Tharrawaddy	69	87	13	53	...	5	16	75·86
	District Magistrate of Prome ...	39	49	...	20	6	4	19	40·82
	Sessions Judge of Pegu ...	414	524	284	100	30	...	99	78·28
	Judicial Commissioner, British Burma	447	498	313	67	76	...	39	76·31
	Total ...	1,019	1,225	629	256	120	9	195	72·24
Irrawaddy.	District Magistrate of Henzada ...	88	120	5	68	24	...	23	60·83
	District Magistrate of Bassein ...	113	144	71	24	10	...	39	65·97
	District Magistrate of Thôngwa ...	101	175	...	94	47	...	33	53·71
	District Magistrate of Thayetmyo	22	27	...	20	6	...	1	74·07
	Sessions Judge of Irrawaddy ...	479	530	317	69	76	..	68	72·83
	Total ...	798	996	393	275	163	...	159	67·06

Result of Appeals—concluded.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were reversed.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Tenasserim.	District Magistrate of Amherst ...	26	33	...	9	10	...	14	27·27
	District Magistrate of Shwegyin ...	28	38	...	13	19	...	6	34·21
	District Magistrate of Toungoo ...	23	34	...	17	9	...	8	50·00
	District Magistrate of Tavoy ...	9	14	1	8	3	...	2	64 28
	District Magistrate of Mergui ...	4	4	...	2	1	...	1	50·00
	District Magistrate of Salween ...	...	...	...	...	...	...	...	...
	District Magistrate of Moulmein ...	8	11	2	3	...	...	6	45·45
	Sessions Judge of Moulmein ...	53	58	9	14	22	2	8	39·66
	Sessions Judge of Tenasserim ...	284	336	56	199	29	...	52	75·89
	Total ...	430	528	68	265	93	2	97	68·07
	Grand Total ...	2,590	3,171	1,305	802	440	18	509	68·34

References to Sessions Judges under Section 34, Criminal Procedure Code.

Division.	Reference by whom made.	Sentences: Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Arakan	District Magistrate of Akyab	9	7	1	1	...
	District Magistrate of Kyaukpyu ...	19	14	1	4	...
	District Magistrate of Sandoway ...	3	3	...	...	...
	District Magistrate of Northern Arakan ...	...	...	...	...	...
	Total ...	31	24	2	5	...
Pegu	District Magistrate of Hanthawaddy ...	28	25	3	...	...
	District Magistrate of Pegu	25	24	1	...	...
	District Magistrate of Tharrawaddy ...	52	33	9	10	...
	District Magistrate of Prome	34	29	...	5	...
	Total ...	139	111	13	15	...
Irrawaddy	District Magistrate of Henzada ...	19	10	7	2	...
	District Magistrate of Bassein ...	16	12	2	2	...
	District Magistrate of Thôngwa ...	19	16	3	...	...
	District Magistrate of Thayetmyo ...	33	21	6	...	6
	Total ...	87	59	18	4	6
Tenasserim	District Magistrate of Amherst ...	14	14	...	...	...
	District Magistrate of Shwegyin ...	22	15	1	6	...
	District Magistrate of Toungoo ...	16	16	...	...	...
	District Magistrate of Tavoy	16	16	...	...	...
	District Magistrate of Mergui ...	4	2	...	2	...
	District Magistrate of Salween ...	...	...	...	...	...
	District Magistrate of Moulmein ...	1	1	...	...	...
	Total ...	73	64	1	8	...
	Grand Total ...	330	258	34	32	6

References to Judicial Commissioner under Section 374, Criminal Procedure Code.

Reference by whom made.	Sentences				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan	16	10	4	...	2
Sessions Judge of Pegu	14	8	4	...	2
Sessions Judge of Irrawaddy	8	3	3	1	1
Sessions Judge of Tenasserim	10	3	5	2	...
Sessions Judge of Moulmein	1	1	...	...	...
Total ...	49	25	16	3	5

References to Judicial Commissioner under Section 438, Criminal Procedure Code.

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were				Pending.		Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
Arakan.	District Magistrate of Akyab...	25	32	18	1	10	3	...	...	
	District Magistrate of Kyaukpyu	11	12	4	1	2	2	1	1	Two new trials ordered.
	District Magistrate of Sandoway	...	...	...	...	...	...	...	...	
	District Magistrate of Northern Arakan	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	2	4	1	3	...	...	...	...	
	Total ...	38	48	23	5	12	5	1	1	Two new trials ordered.
Pegu.	District Magistrate of Hanthawaddy	6	6	5	1	...	...	...	...	
	District Magistrate of Pegu ...	5	7	1	2	...	3	...	...	One new trial ordered.
	District Magistrate of Tharrawaddy	4	4	...	...	1	3	...	...	
	District Magistrate of Prome ..	9	39	5	...	2	32	...	...	
	Sessions Judge of Pegu ...	6	6	...	1	2	2	1	1	
	Total ...	30	62	11	4	5	40	1	1	One new trial ordered.
Irrawaddy.	District Magistrate of Henzada	6	9	3	1	1	4	...	...	
	District Magistrate of Bassein	15	16	7	3	4	1	...	...	One new trial ordered.
	District Magistrate of Thôngwa	7	11	3	...	7	...	1	1	
	District Magistrate of Thayetmyo	9	14	3	...	10	1	...	...	
	Sessions Judge of Irrawaddy...	22	40	7	3	16	3	...	...	Eleven new trials ordered.
	Total ...	59	90	23	7	38	9	1	1	Twelve new trials ordered.
Tenasserim.	District Magistrate of Amherst	3	3	5	...	...	3	...	...	
	District Magistrate of Shwegyin	8	16	9	...	...	6	...	...	One new trial ordered.
	District Magistrate of Toungoo	2	2	1	...	...	1	...	...	
	District Magistrate of Tavoy...	...	...	...	...	...	...	...	...	
	District Magistrate of Mergui	...	...	...	...	...	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein	3	6	4	...	2	...	...	...	
	Sessions Judge of Moulmein...	7	29	8	...	7	11	...	...	Three new trials ordered.
	Sessions Judge of Tenasserim	31	36	24	1	1	10	...	...	
	Total ...	59	97	51	1	10	31	...	...	Four new trials ordered.
	Grand Total ...	186	297	108	17	65	85	3	3	Nineteen new trials ordered.

Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code:—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose Pending Sentences were						Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
Arakan.	Akyab	18	14	8	...	6	...	...	...	
	Kyaukpyu	16	18	5	1	8	...	4	4	
	Sandoway	9	11	3	...	...	...	6	8	
	Northern Arakan ...	1	1	1	...	...	...	...	...	
	Sessions Judge of Arakan ...	...	...	...	...	...	...	...	...	
	Total ...	39	44	17	1	14	...	10	12	
Pegu.	Hanthawaddy	24	55	40	1	3	...	7	11	
	Pegu	21	41	21	...	9	1	5	10	
	Tharrawaddy	34	74	55	...	2	2	12	15	
	Prome	34	47	38	...	2	1	2	2	Four new trials ordered.
	Sessions Judge of Pegu ...	...	...	...	...	...	...	...	...	
	Total ...	113	217	154	1	16	4	26	38	Four new trials ordered.
Irrawaddy.	Henzada	48	82	45	11	...	15	9	11	
	Bassein	31	35	24	...	1	7	3	3	
	Thôngwa	22	24	9	1	3	3	3	3	
	Thayetmyo	27	45	31	...	6	7	1	1	
	Sessions Judge of Irrawaddy...	4	4	3	...	1	...	...	...	
	Total ...	132	190	112	12	11	32	21	23	
Tenasserim.	Amherst	6	6	4	1	1	...	...	...	
	Shwegyin	14	22	18	...	3	1	...	...	
	Toungoo	9	10	9	...	1	...	...	...	
	Tavoy	5	5	2	...	1	...	1	1	One new trial ordered.
	Mergui	6	6	4	1	...	...	1	1	
	Salween	...	...	...	...	...	...	...	...	
	Moulmein	4	5	5	...	...	...	...	...	
	Sessions Judge of Moulmein...	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim ...	...	...	...	...	...	...	...	...	
	Total ...	44	54	42	2	6	1	2	2	One new trial ordered.
	Grand Total ...	328	505	325	16	47	37	59	75	Five new trials ordered.

Cases called for by the Judicial Commissioner at the instance of parties or their friends under section 435, Criminal Procedure Code :—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	4	4	2	...	...	...	2	2	
	Kyaukpyu	2	2	2	...	...	...	...	...	
	Sandoway	...	...	...	...	...	...	...	...	
	Northern Arakan	2	2	2	...	...	...	...	...	
	Sessions Judge of Arakan	...	...	...	...	...	...	...	...	
	Total	8	8	6	...	...	...	2	2	
Pegu.	Hanthawaddy	4	10	7	...	...	3	...	...	
	Pegu	2	2	1	...	...	1	...	...	
	Tharrawaddy	5	22	21	...	...	...	1	1	
	Prome	5	14	6	...	...	...	1	8	
	Sessions Judge of Pegu	...	...	...	...	...	...	...	...	
	Total	16	48	35	...	...	4	2	9	
Irrawaddy.	Henzada	4	5	5	...	...	...	...	...	
	Bassein	2	4	4	...	...	...	...	...	
	Thôngwa	3	6	5	...	...	1	...	...	
	Thayetmyo	3	3	2	...	...	...	1	1	
	Sessions Judge of Irrawaddy	...	...	...	...	...	...	...	...	
	Total	12	18	16	...	...	1	1	1	
Tenasserim.	Amherst	2	5	5	...	...	...	...	...	
	Shwegyin	5	6	4	...	...	2	...	...	
	Toungoo	4	13	8	...	...	5	...	...	
	Tavoy	2	3	3	...	...	...	...	...	
	Mergui	1	7	7	...	...	...	...	...	
	Salween	...	...	...	...	...	...	...	...	
	Moulmein	2	2	2	...	...	...	...	...	
	Sessions Judge of Moulmein	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenassorim	...	...	...	...	...	...	...	...	
	Total	16	36	29	...	...	7	...	...	
	Grand Total	52	110	86	...	...	12	5	12	

The next two tables show the revision work done by Sessions Judges and District Magistrates (1) on the application of parties or Government and (2) on their own motion :—

Result of Applications for Revision made to Sessions Judges and District Magistrates.

Class of Courts whose orders were the subject of revision.	Number of persons who applied for revision, including pending from previous year.	Number of persons with respect to whom: Applications were rejected or order confirmed.	Committal was ordered under section 436, Criminal Procedure Code.	Further enquiry was ordered under section 437, Criminal Procedure Code.	Reference was made to High Court under section 438 or to District Magistrate under section 435, Criminal Procedure Code.	Applications were pending.	Total.	Remarks.
I.—Subordinate Magistrates—								
(*a*) Special Magistrates, section 14, Criminal Procedure Code.	1	...	...	1	...	...	1	
(*b*) Stipendiary Magistrates	301	245	...	3	35	18	301	
(*c*) Honorary Magistrates including Benches.	2	2	...	...	...	...	2	
II.—District Magistrates ...	14	7	...	3	4	...	14	
Total ...	318	254	...	7	39	18	318	

Revision Work done by Sessions Judges and Magistrates otherwise than on Application for Revision.

Revising Courts.	Number of cases called for and examined under section 435, Criminal Procedure Code.	Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437, Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.	Remarks.
Sessions Courts	351	1	2	36	133	
District Magistrates	1,046	1	26	80*	6	
Subdivisional Magistrates specially empowered under section 435, Criminal Procedure Code.	...	...	...	...	...	
Total ...	1,397	2	28	116	139	

The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Receipts and Charges of Criminal Process Establishment.

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges.		Remarks.
				Salaries of process-serving establishment.	Contingencies, &c.	
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	1,942	2,083 0 0	2,275 9 2	308 4 0	
	Kyaukpyu	980	680 8 0	444 0 0	9 0 0	
	Sandoway	575	398 8 0	361 13 0	28 4 0	
	Northern Arakan	...	...	...	...	
	Total ...	3,456	3,062 0 0	3,081 6 2	345 8 0	
Pegu.	Hanthawaddy	1,024	710 0 0	492 0 0	87 8 0	
	Pegu	2,528	1,110 0 0	864 0 0	57 12 0	
	Tharrawaddy	1,769	1,802 8 0	680 10 0	18 8 0	
	Prome	3,031	2,069 8 0	1,884 0 0	...	
	Total ...	8,352	5,132 0 0	3,920 10 0	113 12 0	
Irrawaddy.	Henzada	3,889	3,872 0 0	1,224 4 0	28 4 0	
	Bassein	5,477	3,926 8 0	1,576 14 0	92 6 0	
	Thôngwa	2,193	1,544 0 0	852 0 0	59 8 0	
	Thayetmyo	1,177	761 8 0	528 0 0	31 0 0	
	Total ...	12,736	10,104 0 0	4,181 2 0	211 2 0	
Tenasserim.	Amherst	1,972	1,409 8 0	461 2 0	50 6 0	
	Shwegyin	1,885	1,294 8 0	668 0 0	132 0 0	
	Toungoo	2,068	1,287 8 0	720 0 0	19 0 0	
	Tavoy	672	497 8 0	312 0 0	13 2 0	
	Mergui	518	401 0 0	168 0 0	...	
	Salween...	63	40 8 0	...	...	
	Moulmein	4,698	3,487 8 0	1,572 0 0	94 9 0	
	Total ...	11,866	8,368 0 0	3,896 2 0	309 1 0	
	Grand Total ...	36,410	26,726 0 0	15,076 4 2	979 7 0	

* Includes 18 cases reported to Sessions Judges.

12. I think the work of inspection has been fairly done during the year.

Mr. Jardine visited Pegu, Henzada, Bassein, Prome, Mergui, and Tavoy.

My immediate predecessor, Mr. Ward, also inspected the Courts at Mergui, Tavoy, Prome, Thayetmyo, Moulmein, Bassein, Thôngwa, and Pegu.

The Sessions Judges, Colonels Sladen and Street, and Messrs. Hodgkinson and Burgess, have given much attention to this important duty. District Magistrates generally have done their duty in this respect.

W. F. MERES,

Offg. Judicial Commissioner, British Burma.

APPENDICES TO PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Criminal Jurisdiction in the Town of Rangoon on the last day of the year 1884, with the cost of Tribunals.

Name of province		Area	Population	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts	Number of districts	Number of sub-districts	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION: Judges of Chief Court of province	Judges of other Courts superior to Chief District Courts	Judges of Chief Courts of districts	Judges of District Courts other than Chief Courts	Judges of other Subordinate Courts	TOTAL NUMBER OF CASES DECIDED: Original: Regular.	Original: Miscellaneous	Appeals: Regular	Appeals: Miscellaneous	Total receipts of the Courts.	Total charges of the Courts	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
BRITISH BURMA	Territory subject to the High Court.	Criminal	45 square miles.	134,176	1	1	3(a)	1(b)	1	1	...	17(c)	6,552(d)	953(e)	123(f)	21(g)	Rs A P 40,222 4 0	Rs A P 1,13,894 0 0	
Total			45	134,176	1	1	3	1	1	1	..	17	6,552	953	123	21	40,222 4 0	1,13,894 0 0	

Grades of Judicial Officers		Europeans	Natives
Officers exercising both original and appellate jurisdiction.	Recorder of Rangoon	1	..
	District Magistrate	1	..
Officers exercising original jurisdiction only.	Assistant Magistrate	1	
	Cantonment Magistrate	1	
	Junior Assistant Magistrate	.	1
	Bench of Honorary Magistrates	1	13

(a)1. Rangoon Cantonment.
2. Do Town.
3. Kemmendine
(b). Recorder of Rangoon
(c). Honorary Magistrates.
Junior Assistant Magistrate.
Cantonment Magistrate
Assistant Magistrate

(d)	By Bench of Honorary Magistrates	2,091	6,552
	„ Junior Assistant Magistrate (i.e., E A C)	971	
	„ Cantonment Magistrate	470	
	„ Assistant Magistrate	2,580	
	„ District Magistrate	366	
	„ Recorder as a High Court	3	
	„ Do as a Sessions Court	71	
(e)	District Magistrate	719	953
	Assistant Magistrate	234	
(f)	By District Magistrate	38	123
	„ Recorder	85	
(g).	By Recorder	21	21

Judicial Statement No. 2 (Criminal).

Statement of Offences reported and of Persons Tried, Convicted, and Acquitted of each Class of Offence in the Province of British Burma in the year 1884 in the Town of Rangoon.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons: Under trial during the year, including pending from previous year.	Number of persons: Acquitted or discharged.	Number of persons: Convicted.	Number of persons: Died, escaped, or transferred to another province.	Number of persons: Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	.....	.....	.....	.....	.....	.....	.....	.....	
Offences relating to the Army and Navy, Chapter VII	.....	.....	.....	.....	.....	.....	.....	.....	
Offences against the public tranquility, Chapter VIII	38	37	37	136	34	102	.....	.....	
Offences by, or relating to, public servants, Chapter IX	6	6	6	9	1	8	.....	.....	
Contempts of the lawful authority of public servants, Chapter X	36	36	36	40	19	19	.....	2	
False evidence and offences against public justice, Chapter XI	50	50	50	71	24	43	.....	2	2 committed.
Offences relating to coin and Government stamps, Chapter XII	3	2	2	2	.....	1	.....	.....	1 ditto.
Offences relating to weights and measures, Chapter XIII	3	3	3	5	2	3	.....	.....	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	108	108	108	161	30	129	.....	2	
Offences relating to religion, Chapter XV	.....	.....	.....	.....	.....	.....	.....	.....	
Offences affecting the human body, Chapter XVI. — Offences affecting life	34	33	33	41	11	3	1	1	25 committed.
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	.....	.....	.....	.....	.....	.....	.....	.....	
Offences affecting the human body, Chapter XVI. — Hurt	175	175	175	260	96	147	3	6	8 committed
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	4	4	4	8	4	4	.....	.....	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	1,150	1,137	1,137	2,222	1,474	740	.....	8	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery and forced labour	17	17	17	27	13	3	.....	3	8 committed.
Offences affecting the human body, Chapter XVI. — Rape	8	6	6	6	4	.....	.....	.....	2 ditto.
Offences affecting the human body, Chapter XVI. — Unnatural offence	1	.....	.....	.....	.....	.....	.....	.....	
Offences against property, Chapter XVII. — Theft	1,491	752	752	836	253	572	.....	5	6 committed.
Offences against property, Chapter XVII. — Extortion	2	2	2	2	.....	1	.....	.....	1 ditto.
Offences against property, Chapter XVII. — Robbery and dacoity	27	17	17	35	5	9	.....	.....	21 ditto.
Offences against property, Chapter XVII. — Criminal misappropriation of property	34	34	34	38	14	24	.....	.....	
Offences against property, Chapter XVII. — Criminal breach of trust	71	69	69	74	41	33	.....	.....	
Offences against property, Chapter XVII. — Receiving of stolen property	43	42	42	57	28	29	.....	.....	
Offences against property, Chapter XVII. — Cheating	29	29	29	33	28	5	.....	.....	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	2	2	2	4	4	.....	.....	.....	
Offences against property, Chapter XVII. — Mischief	28	27	27	33	17	15	.....	.....	1 committed.
Offences against property, Chapter XVII. — Criminal trespass	148	127	127	172	68	71	.....	.....	13 ditto.
Offences relating to documents and to trade or property marks, Chapter XVIII ...	3	3	3	4	3	.....	.....	.....	1 ditto.
Criminal breach of contracts of service, Chapter XIX	.....	.....	.....	.....	.....	.....	.....	.....	
Offences relating to marriage, Chapter XX	50	50	50	62	53	6	.....	3	
Defamation, Chapter XXI	15	15	15	19	16	3	.....	.....	
Criminal intimidation, insult, annoyance, Chapter XXII	692	692	692	1,112	749	358	.....	5	
Offences under special and local laws	3,059	3,031	3,031	5,064	787	4,276	.....	1	
Total ...	7,327	6,506	6,506	10,533	3,798	6,604	4	38	89

Judicial Statement No. 2A (Criminal).

Statement showing the General Result of the Trial of European British Subjects in the Town of Rangoon in the year 1884.

Description of offence.	Number of persons accused and brought before a Magistrate.							Persons whose cases were disposed of															Number of cases.			Number of persons who applied to the High Court for an order under section 45(1) of the Code.	Of those entered in column 5, number who applied under section 24, 435(1), 439, or 439A, or committal of third class.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of the case.	Subsidiary Table.					
								By District Magistrates and other 1st class Magistrates.						By Courts of Session.				By High Court.			Total for all Courts.												
	Remaining at the close of the previous year.	Within the year.					Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Sessions.	Committed. To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	Convicted.	Acquitted.	Total.	Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Brought to trial.	Disposed of.	Pending.						
		On complaint, section 190(a), Criminal Procedure Code.	On police report, section 190(b) of the Code.	By Magistrate *suo motu*, section 190(c) of the Code.	On transfer from another province.																													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35				36		
																																		Of the total number of persons shown in				Of cases shown in column 30.		
																																		Column 16.		Column 21.		Columns 21 and 24.	Disposed of by Magistrates.		Disposed of by Sessions Judges.	
																																		Number who claimed to be tried by a mixed jury, section 454(1) of the Code.	Number who did not so claim.	Number of those in column 3 whose cases were transferred under section 451B of the Code.	Number who claimed a mixed number of assessors, section 451(2) of the Code.	Number who did not so claim.	Number who claimed to be tried by mixed jury, section 451(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
																																		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences by or relating to public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Contempts of the lawful authority of public servants, Chapter X.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
False evidence and offences against public justice, Chapter XI.	...	...	2	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	2	2	2	...	2	2	...	...	...											
Offences relating to coin and Government stamps, Chapter XII.	...	...	2	...	...	2	...	2	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	1	1	2	...	1	1	...	...	...											
Offences relating to weights and measures, Chapter XIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences affecting the human body, Chapter XVI. — Offences affecting life	1	...	1	...	...	2	...	2	...	1	...	1	...	...	2	...	...	...	...	...	1	1	2	1	1	2	...	3	3	...	...	...											
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Hurt	...	1	19	...	...	20	...	20	...	10	10	...	...	...	20	...	...	...	...	...	...	...	...	10	10	20	...	9	9	...	...	...											
Wrongful restraint and wrongful confinement...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal force and assault ...	...	14	13	...	...	27	...	27	...	19	8	...	...	...	27	...	...	...	...	...	...	...	...	19	8	27	...	20	20	...	...	...											
Kidnapping, forcible abduction, slavery and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences against property, Chapter XVII. — Theft	...	...	5	...	...	5	...	5	...	4	1	...	...	...	5	...	...	...	...	...	...	...	...	4	1	5	...	5	5	...	...	...											
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Nil.	261	Nil.	Nil.	Nil.	Nil.	2	174	Nil.	2	Nil.
Criminal misappropriation of property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Fraudulent deeds and disposition of property ...	...	2	...	...	...	2	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...	2	...	2	...	2	2	...	...	...											
Mischief	...	...	6	...	...	6	...	6	...	3	2	...	1	...	6	...	...	...	...	...	1	...	1	4	2	6	...	4	4	...	...	...											
Criminal trespass	...	...	4	...	...	4	...	4	...	2	2	...	...	...	4	...	...	...	...	...	...	...	...	2	2	4	...	2	2	...	...	...											
Offences relating to documents and to trade or property marks, Chapter XVIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal breach of contracts of service, Chapter XIX ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Defamation, Chapter XXI	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	9	6	...	...	15	...	15	...	9	6	...	...	...	15	...	...	...	...	...	...	...	...	9	6	15	...	15	15	...	...	...											
Offences under special and local laws	...	50	124	...	...	174	...	174	...	135	39	...	...	...	174	...	...	...	...	...	...	...	...	135	39	174	...	111	111	...	...	...											
Total ...	1	77	189	...	...	261	...	261	...	187	72	1	1	...	261	...	...	...	...	...	1	1	2	188	73	261	...	176	176	...	...	...											

JUDICIAL STATEMENT No. 3 (CRIMINAL.)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of British Burma during 1884 in the Town of Rangoon.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VI C and section 485	...	...	...	...	
2.—Proceedings under Chapter VIII to prevent breach of the peace	39	75	16	59	
3.—Proceedings under Chapter VIII security for good behaviour	170	175	53	122	
4.—Proceedings against local nuisances, Chapter X	1	1	...	1	
5.—Possession, Chapter XII	...	...	...	...	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250	9	10	...	10	
7.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	...	...	...	...	
8.—Maintenance, Chapter XXXVI	16	16	13	3	
9.—Forfeiture of bail or recognizance under Chapter XLII	20	26	14	12	
Total ...	255	303	96	207	

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the Province of British Burma in the year 1884 in the Town of Rangoon.

Class of Tribunal.	Total number of persons under trial.	Persons whose cases were disposed of:					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted.		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	5,626	4	1,576	2,133	1,806	72	35	4,021	6½	12,665	
Subordinate Magistrates. Bench of Honorary Magistrates	4,392	.....	2,084	219	2,088	.....	1	2,091	1¾	2,728	
Chief Magistrates of Districts	515	.....	138	153	205	17	2	366	3½	1,438	
Recorder's Court ... As a Court of Session	108	.....	32	76	.....	.....	.....	71	32	603	
Recorder's Court ... As a High Court	3	.....	1	2	.....	.....	.....	3	12	20	
Total ...	10,644	4	3,830	2,583	4,099	89	38	6,552	5	17,454	

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Statement showing the Punishments inflicted by the various Criminal Tribunals in the Province of British Burma in the year 1884 in the Town of Rangoon.

Class of Tribunal.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS																	
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a Reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	678	25	...	3,215	110	121	47	2,761	410	21	23	...	...	27,208 6 3	22,454 13 3	1,992 4 0	215	464	71	...	...	22	51	37	...
Subordinate Magistrates. Benches of Magistrates.	...	...	...	129	...	...	2,163	18	...	...	1,988	175	...	...	...	...	8,149 5 0	7,239 13 0	214 8 0	42	87	...	...	...	11	7	...	...
Chief Magistrates of districts	...	...	...	159	...	...	200	35	60	29	117	64	10	9	...	...	4,589 15 8	3,504 10 8	475 0 0	22	106	56	4	...	7	23	5	...
Courts of Session (Recorder)	5	11	...	56	4	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	4	3	5	42	6	...	...	...	...
Court of the Recorder of Rangoon sitting as a High Court.	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	..	...	...	2	...	...	...	...	...
Total ...	5	11	...	1,024	29	...	5,578	163	181	76	4,866	649	31	32	...	...	40,037 10 11	33,199 4 11	2,681 12 0	283	660	132	48	6	40	81	42	...

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing the particulars of Whippings inflicted, under sections 2 and 3, Act VI of 1864, in lieu of other Punishments by the Criminal Tribunals during the year 1884.

Offences for which awarded.	NUMBER OF STRIPES AWARDED.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	
	2	3	4	5	6	7	8	9	10	11	12	13	14
In lieu of other punishments, (Section 2 and 3, Act VI, 1864).													
1. Theft, as defined in. — section 378, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
1. Theft, as defined in. — section 380, do.	5	...	13	...	24	9	20	26	...	2	...	10	109
1. Theft, as defined in. — section 381, do.	...	...	4	...	3	...	...	...	...	...	...	...	7
1. Theft, as defined in. — section 382, do.	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Extortion, as defined in — section 388, do.	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Extortion, as defined in — section 389, do.	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in — section 411, do.	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in — section 412, do.	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Lurking house-trespass, as defined in section 443, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Lurking house-trespass by night, as defined in section 444, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Housebreaking, as defined in, section 445, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Housebreaking by night, as defined in section 446, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...
8. Offence under section 14, Act III, 1860.	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	5	...	17	...	27	9	20	26	...	2	...	10	116

PART II.

Showing Whippings inflicted in addition to other Punishments, under sections 3 and 4, Act VI of 1864, for the year 1884.

Offences for which awarded.	NUMBER OF STRIPES.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	
1	2	3	4	5	6	7	8
In addition to other punishments. (Sections 3 and 4).							
A.—Section 3.							
1. Theft, as defined in ... — section 378, I. P. C.	...	...	...	...	...	...	...
1. Theft, as defined in ... — section 380, do.	3	2	3	11	...	22	41
1. Theft, as defined in ... — section 381, do.	...	...	...	...	...	...	...
1. Theft, as defined in ... — section 382, do.	...	...	...	...	...	...	...
2. Extortion, as defined in ... — section 388, do.	...	...	...	...	...	...	...
2. Extortion, as defined in ... — section 389, do.	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in. — section 411, do.	...	...	...	...	...	...	...
3. Dishonestly receiving stolen property, as defined in. — section 412, do.	...	...	...	...	...	...	...
4. Lurking house-trespass, as defined in ... section 443, do.	...	...	...	...	...	...	...
5. Lurking by night, as defined in ... section 444, do.	...	...	...	...	...	...	...
6. Housebreaking, as defined in ... section 445, do.	...	...	...	...	...	...	...
7. Ditto by night, as defined in ... section 446, do.	...	...	...	...	...	...	...
8. Offence under section 14, Act III, 1860	...	...	...	...	...	...	...
B.—Section 4.							
1. False evidence, as defined in ... — section 193, I. P. C.	...	...	...	...	...	...	...
1. False evidence, as defined in ... — section 194, do.	...	...	...	...	...	...	...
1. False evidence, as defined in ... — section 195, do.	...	...	...	...	...	...	...
2. False charge of unnatural offence, as defined in. — section 211, do. and section 377, do.	...	...	...	...	...	...	...
3. Assault, as defined in ... ... section 354, do.	...	...	...	...	...	...	...
4. Rape, as defined in ... ... section 375, do.	...	...	...	...	...	...	...
5. Unnatural offence, as defined in ... section 377, do.	...	...	...	...	...	...	...
6. Robbery, as defined in ... ... section 390, do.	...	...	1	...	...	1	2
7. Dacoity, as defined in ... ... section 391, do.	...	...	...	...	...	...	...
8. Attempt at robbery, as defined in ... section 393, do.	...	...	...	...	...	...	...
9. Hurt in committing robbery, as defined in. — section 394, do.	...	...	...	...	...	...	...
10. Receiving stolen property, as defined in .. section 413, do.	...	...	...	...	...	...	...
11. Forgery, as defined in ... ... — section 463, do.	...	...	...	...	...	...	...
11. Forgery, as defined in ... ... — section 466, do.	...	...	...	...	...	...	...
11. Forgery, as defined in ... ... — section 467, do.	...	...	...	...	...	...	...
11. Forgery, as defined in ... ... — section 468, do.	...	...	...	...	...	...	...
11. Forgery, as defined in ... ... — section 469, do.	...	...	...	...	...	...	...
12 Lurking housetrespass, as defined in ... section 443, do.	...	...	...	...	...	...	...
13. Ditto by night, as defined in .. section 444, do.	...	...	...	...	...	...	...
14. Housebreaking, as defined in ... section 445, do.	...	...	...	...	...	...	...
15 Ditto by night, as defined in ... section 446, do.	...	...	...	...	...	...	...
Total ...	3	2	4	11	...	23	43

PART III.

Showing Whippings inflicted, under section 5, Act VI of 1864, on Juveniles for Offences other than those specified in Parts I and II in the District of Rangoon for the year 1884.

Offence.	Stripes.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Section 379, I. P. C.	4	...	...	...	...	...	...	...	...	...	...	...	4
Total ...	4	...	...	...	...	...	...	...	...	...	...	...	4

PART IV.

Showing relative number of times Whipping was awarded as compared with other Punishments in the District of Rangoon for the year 1884.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded	163	
Total number of other punishments	6,495	
Percentage of whippings ...	2·51	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the Result of Appeal and Revision in Criminal Cases in the Town of Rangoon in the Province of British Burma in the year 1884.

Tribunals.	NUMBER OF PERSONS											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts	57	...	18	9	...	12	13	4	1	...	...	3	
„ Courts of Session	116	1	102	...	...	3	4	1	1	...	4	11	
„ Superior Courts { by persons convicted	...	...	...	...	...	...	...	...	...	...	...	...	
„ Superior Courts { by Government from judgments of acquittal...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	173	1	120	9	...	15	17	5	2	...	4	4	
Revision.													
By Chief Magistrates of Districts	...	...	...	...	...	...	...	...	...	...	...	...	
„ Courts of Session	...	...	...	...	...	...	...	...	...	...	...	...	
„ High Courts	24	...	15	...	...	...	5	1	2	...	1	7	
Total ...	24	...	15	...	...	...	5	1	2	...	1	7	
GRAND TOTAL ...	197	1	135	9	...	15	22	6	4	...	5	4	

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of Juries and Assessors in the Civil and Criminal Courts in the Town of Rangoon in the Province of British Burma in the year 1884.

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case and prescribed qualifications	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS' TRIALS			Remarks.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict, in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors	Number of cases in which Judge differed from		
					Wholly.	Partially.	Whose cases he referred under section 263, C. P. Code.	Whose cases he did not refer under section 263, C. P. Code		One assessor	Both assessors	
1	2	3	4	5	6	7	8	9	10	11	12	13
II.—CRIMINAL COURTS.												
Magistrates' Courts under Chapter X, C. P. Code .. .. .. Jurors ...	...	...	...	...	..	...	..	..	...	...	..	
RECORDER'S COURTS. Exercising the powers of a Court of Session .	5	71	...	70	1	..	2	..	...	...	..	A prisoner in one case and five prisoners in another case pleaded guilty.
RECORDER'S COURTS. Exercising the powers of a High Court ..		3	...	3	...	...	...	.	...	..	..	
Total	.	74		73	1	.	2	...	..	..	.	

APPENDICES TO PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

Judicial Statement No. 1 (Criminal).

Statement showing the number of Judicial Divisions and the number of Officers exercising Appellate or Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1884, with the cost of Tribunals.

Name of province.		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
																Rs. A. P.	Rs. A. P.
Province of British Burma. Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....
	Criminal...	87,175 square miles.	3,602,595	4	19	35	1	5	19	28	139	26,433	2,646	2,589	...	2,27,348 13 9	5,36,920 5 0
	Revenue...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....
Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....
	Criminal ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....
	Revenue. .	...	...	...	...	...	...	...	...		...	...	...	...	...	.....	.....
Total ...		87,175 square miles.	3,602,595	4	19	35	1	5	19	28	139	26,433	2,646	2,589	...	2,27,348 13 9	5,36,920 5 0

Remarks.

Grades of Judicial Officers.		Europeans.	Natives.
Officers exercising both original and appellate jurisdiction.	Judicial Commissioner ...	1	...
	Sessions Judges ...	4	...
	Judge of Moulmein ...	1	...
	District Magistrates ...	19	...
Officers exercising original jurisdiction only.	Assistant Commissioners	16	...
	Extra Assistant Commissioners	7	23
	Myoôks	3	78
	Special Magistrates ...	1	1
	Honorary Magistrates ...	1	37

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of Offences reported and of Persons Tried, Convicted, and Acquitted of each Class of Offence in the Province of British Burma in the year 1884, exclusive of the Town of Rangoon.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to an other province.	Remaining under trial	
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	1	1	...	...	...	...	...	...	
Offences relating to the Army and Navy, Chapter VII	2	2	1	1	1	...	...	...	
Offences against the public tranquillity, Chapter VIII	402	396	379	2,195	911	1,233	20	28	9 committed or referred.
Offences by, or relating to, public servants, Chapter IX	118	103	99	132	64	63	1	4	
Contempts of the lawful authority of public servants, Chapter X	187	186	154	277	98	167	1	9	2 committed or referred.
False evidence and offences against public justice, Chapter XI	464	459	465	633	214	370	5	23	21 ditto.
Offences relating to coin and Government stamps, Chapter XII	44	41	29	46	12	18	...	4	12 ditto.
Offences relating to weights and measures, Chapter XIII	14	12	14	21	10	11	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,596	1,438	1,307	2,346	733	1,586	6	19	2 committed or referred.
Offences relating to religion, Chapter XV	19	18	19	35	17	18	...	...	
Offences affecting the human body, Chapter XVI. — Offences affecting life	266	233	201	312	69	220	8	11	204 committed or referred.
Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	7	4	3	3	...	3	...	...	
Hurt	2,387	2,021	1,827	2,959	1,328	1,286	15	54	76 committed or referred.
Wrongful restraint and wrongful confinement	59	51	47	97	56	31	2	8	
Criminal force and assault	2,914	2,705	2,793	4,551	2,854	1,638	15	44	10 committed or referred.
Kidnapping, forcible abduction, slavery, and forced labour	154	97	67	114	72	34	...	4	4 ditto.
Rape	188	100	82	118	66	20	1	1	30 ditto.
Unnatural offence	13	9	8	9	3	2	...	1	3 ditto.
Offences against property, Chapter XVII — Theft	13,033	11,016	6,276	8,428	3,024	4,822	45	73	464 ditto.
Extortion	64	59	48	77	34	36	...	7	
Robbery and dacoity	361	314	244	655	218	118	1	6	312 committed or referred.
Criminal misappropriation of property	257	210	206	257	75	171	3	2	6 ditto.
Criminal breach of trust	335	271	236	275	125	139	2	4	5 ditto.
Receiving stolen property	561	496	423	710	216	417	...	7	70 ditto.
Cheating	243	200	195	269	155	99	8	4	3 ditto.
Fraudulent deeds and disposition of property	7	7	7	20	18	1	...	...	1 ditto.
Mischief	746	593	468	603	505	258	4	20	16 ditto.
Criminal trespass	2,047	1,731	1,274	1,900	1,019	726	6	70	79 ditto.
Offences relating to documents and to trade or property marks, Chapter XVIII	23	23	24	33	16	12	...	...	5 ditto.
Criminal breach of contracts of service, Chapter XIX	14	14	14	67	32	35	...	...	
Offences relating to marriage, Chapter XX	146	129	140	170	138	21	...	6	5 committed or referred.
Defamation, Chapter, XXI	98	92	90	133	105	23	1	4	
Criminal intimidation, insult, and annoyance, Chapter XXII	1,720	1,658	1,691	2,273	1,519	719	4	28	3 committed or referred
Offences under special and local laws	7,568	7,359	7,333	12,147	2,671	9,288	38	130	90 ditto.
Total	36,079	32,042	26,177	42,066	16,578	23,374	198	566	1,362 committed or referred.

JUDICIAL STATEMENT No. 2A (CRIMINAL).

Statement showing the General Result of the Trial of European British Subjects in the Province of British Burma in the year 1884, exclusive of the Town of Rangoon.

Description of offence.	NUMBER OF PERSONS ACCUSED AND BROUGHT BEFORE A MAGISTRATE.							PERSONS WHOSE CASES WERE DISPOSED OF																NUMBER OF CASES				Subsidiary Table			
									BY DISTRICT MAGISTRATES AND OTHER 1ST CLASS MAGISTRATES.						BY COURTS OF SESSION.				BY HIGH COURT.			TOTAL FOR ALL COURTS.								
	Remaining at the close of the previous year.	Within the year.						Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed.		Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	Convicted.	Acquitted.	Total.	Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 9, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
		On complaint, section 191(a) Criminal Procedure Code.	On police report, section 191(b) of the Code.	By Magistrate *suo motu*, section 191(c) of the Code.	On transfer from another province.	Total.							To Court of Sessions.	To High Court.																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by or relating to public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	2	1	...	...	3	...	3	...	...	...	3	...	...	3	...	...	...	...	...	...	...	...	1	2	3	3	3	...	...	...	...	...
Wrongful restraint and wrongful confinement	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	1	1	...	...	...	...	...
Criminal force and assault	...	4	1	...	...	5	...	5	...	4	1	...	...	...	5	...	...	...	...	...	...	...	...	4	1	5	5	5	...	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against property, Chapter XVII. — Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Receiving of stolen property	...	1	...	...	...	1	...	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	1	...	1	1	1	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	2	...	...	...	2	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...	2	...	2	2	2	...	...	...	...	...
Criminal trespass	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	1	1	...	...	...	...	...
Offences relating to documents and to trade or property marks, Chapter XVIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of contracts of service, Chapter XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII	...	1	...	...	...	1	...	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	1	...	1	1	1	...	...	...	...	...
Offences under special and local laws	...	16	19	...	...	35	...	35	...	32	3	...	...	...	35	...	...	...	...	...	...	...	...	32	3	35	21	21	...	...	...	...	...
Total	...	26	23	...	...	49	...	49	...	41	8	...	...	...	49	...	...	...	...	...	...	...	...	41	8	49	...	35	35	...	...	...	...

Subsidiary Table								
35							36	
Of the total number of persons shown in							Of cases shown in column 30.	
Column 16.			Column 21.		Columns 21 and 24.		Disposed of by Magistrates.	Disposed of by Sessions Judges.
Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35(1) whose cases were transferred under section 451B of the Code.	Number who claimed a mixed number of assessors, section 451(2) of the Code.	Number who did not so claim.	Number who claimed to be tried by mixed jury, section 451(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
...	49	...	...	...	...	...	26	9	...	...

JUDICIAL STATEMENT No. 3 (CRIMINAL)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Provinces of British Burma during 1884, exclusive of the Town of Rangoon.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VII C and section 485	10	26	3	21	2 persons and 1 case pending.
2.—Proceedings under Chapter VIII, to prevent breach of the peace	36	109	33	73	3 persons and 3 cases pending.
3.—Proceedings under Chapter VIII, security for good behaviour	2,006	2,173	666	1,460	27 persons and 17 cases pending
4.—Proceedings against local nuisances, Chapter X	100	104	37	67	
5.—Possession, Chapter XII	7	10	7	3	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	21	28	2	26	
7.—Non-attendance of Jurors or Assessors, Chapter XXIII	14	25	5	17	3 persons not found.
8.—Maintenance, Chapter XXXVI	241	241	98	136	3 persons and 3 cases pending 4 persons escaped.
9.—Forfeiture of bail or recognizance under Chapter XLII	223	326	103	206	13 persons and 10 cases pending 4 persons escaped.
Total ...	2,660	3,042	974	2,009	48 persons and 34 cases pending 3 persons not found and 5 persons escaped

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the Province of British Burma in the year 1884, exclusive of the Town of Rangoon.

Class of Court.	Total number of persons under trial.	Persons whose cases were disposed of					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted.		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Village officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates — Special Magistrates under section 14	209	..	69	116	...	22	2	131	6	256	
Subordinate Magistrates — Honorary Magistrates sitting singly	...	..	..	..	...	...	..	...	...	...	
Subordinate Magistrates — Stipendiary Magistrates sitting singly	34,231	170	13,974	16,531	2,049	908	509	20,683	7	78,669	
Subordinate Magistrates — Benches of Magistrates	3,449	1	1,040	1,921	479	...	8	2,375	6	2,955	
District and Sub-divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.	842	...	233	605	..	...	4	641	5	608	
Chief Magistrates of Districts	3,335	15	1,269	1,107	586	342	43	1,965	9	11,901	
Courts of Session	1,006	6	279	685	.	..	36	599	30	3,377	
Superior Courts	49	...	3	41		.	5	39	29	...	
Total	43,121	192	16,860	21,006	3,094	1,362	607	26,433	8	97,866	

Judicial Statement No. 5 (Criminal).

Statement showing the Punishments inflicted by the various Criminal Tribunals in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1884.

Class of Tribunal.	Persons sentenced to: Death.	Transportation.	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentence was commuted to detention in a Reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Subordinate Magistrates. Village Officers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Special Magistrates under section 14 ...	...	...	...	7	1	...	105	5	...	...	54	49	2	...	...	...	2,317 8 0	2,297 8 0	110 0 0	2	6	...	...	...	3	2	...	...
Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly ...	...	...	...	6,132	153	...	12,525	879	1,162	603	8,012	3,685	614	208	6	...	2,36,668 4 10	1,69,287 5 4	29,505 1 0	1,079	4,315	1,467	27	...	154	439	269	4
Benches of Magistrates ...	...	...	...	29	2	...	2,370	1	...	...	2,261	109	...	...	...	...	8,977 10 0	8,526 11 4	614 1 4	17	14	...	...	...	1	...	...	...
District and Divisional Magistrates' cases referred under section 347 and 349, Criminal Procedure Code ...	...	...	...	534	1	...	120	97	...	...	15	32	49	24	...	...	9,541 4 0	1,516 1 7	24 4 0	5	132	387	11	...	7	52	38	...
Chief Magistrates of districts ...	...	10	...	930	36	...	748	190	371	214	350	296	59	40	2	1	44,792 2 0	16,651 8 10	1,538 7 0	48	506	323	300	3	55	66	69	3
Courts of Session	45	125	...	510	2	...	46	17	...	...	1	12	16	14	1	2	18,395 0 0	406 6 0	50 0 0	4	14	38	420	36	...	3	14	...
Superior Courts ...	25	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Total ...	70	151	...	8,142	195	...	15,914	1,189	1,533	817	10,693	4,183	740	286	9	3	3,20,691 12 10	1,98,685 9 1	31,841 13 4	1,155	4,987	2,215	758	39	220	582	387	7

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing the particulars of Whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other Punishments by the Criminal Tribunals in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1884.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VII, 1864)—														
1—Theft, as defined in section 378, I. P. C.	8	1	53	5	78	4	67	4	11	4	49	5	289	
1—Theft, as defined in section 380, do....	15	...	102	1	125	...	135	6	56	6	53	22	521	
1—Theft, as defined in section 381, do....	...	...	1	...	1	...	1	...	1	...	1	...	5	
1—Theft, as defined in section 382, do....	...	...	...	...	...	...	...	...	...	...	...	...	...	
2—Extortion, as defined in section 388, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...	
2—Extortion, as defined in section 389, do....	...	...	...	...	...	...	...	...	...	..	...	...	...	
3—Dishonestly receiving stolen property, as defined in section 411, I. P. C.	...	...	3	...	5	1	10	...	2	1	6	1	29	
3—Dishonestly receiving stolen property, as defined in section 412, do....	...	...	...	...	...	...	...	...	...	...	...	...		
4—Lurking house-trespass, as defined in section 443, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
5—Lurking house-trespass by night, as defined in section 444, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
6—Housebreaking, as defined in section 445, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
7—Housebreaking by night, as defined in section 446, I. P. C.	...	...	1	...	1	..	2	...	...	....	...	1	5	
8—Offences under section 14, Act III, 1880.	...	...	...	...	...	...	1	...	1	...	...	...	2	
Total ...	23	1	160	6	210	5	219	10	71	11	109	29	854	

PART II.

Statement showing Whippings inflicted, in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1884.

Offences for which awarded.	Number of stripes.							Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	
1	2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—								
A—Section 3.								
1—Theft, as defined in section 378, I. P. C ...	...	...	11	16	10	51	88	
1—Theft, as defined in section 380, do. ...	...	3	14	50	11	69	147	
1—Theft, as defined in section 381, do. ...	...	...	...	...	1	1	2	
1—Theft, as defined in section 382, do. ...	...	...	...	...	...	...	..	
2—Extortion, as defined in section 388, do. ...	...	...	...	...	...	...	...	
2—Extortion, as defined in section 389, do. ...	...	...	...	...	...	...		

PART II.

Statement showing Whippings inflicted in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1884—(concluded).

Offences for which awarded	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
3.—Dishonestly receiving stolen property, as defined in, section 411, I. P. C.	...	...	...	6	1	3	10	
3.—Dishonestly receiving stolen property, as defined in, section 412, do.	...	...	...	...	...	...	...	
4.—Lurking house-trespass, as defined in section 443, I. P. C.	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night, as defined in section 444, I. P. C.	...	...	1	1	...	1	3	
6.—Housebreaking, as defined in section 445, I. P. C.	...	...	1	2	...	...	3	
7.—Housebreaking by night, as defined in section 446, I. P. C.	...	...	..	...	1	...	1	
8.—Offences under section 14, Act III, 1880	...	...	...	...	...	...	...	
B.—Section 4.								
1.—False evidence, as defined in, section 193, I. P. C.	...	...	...	...	...	...	...	
1.—False evidence, as defined in, section 194, do.	...	...	...	..	...	...	...	
1.—False evidence, as defined in, section 195, do.	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in sections 211 and 377, I. P. C.	...	...	...	...	...	...	...	
3.—Assault, as defined in section 354, I. P. C.	...	...	...	...	...	...	...	
4.—Rape, as defined in section 375, do.	...	...	...	...	...	...	...	
5.—Unnatural offence, as defined in section 377, I. P. C.	...	...	...	...	...	...	...	
6.—Robbery, as defined in section 390, I. P. C.	...	...	...	...	...	1	1	
7.—Dacoity, as defined in section 391, do.	...	...	...	...	...	...	...	
8.—Attempt at robbery, as defined in section 393, I. P. C.	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in section 394, I. P. C.	...	...	1	...	...	...	1	
10.—Receiving stolen property, as defined in section 413, do.	...	...	...	...	...	...	...	
11.—Forgery, as defined in, section 463, I. P. C.	...	...	...	...	...	...	...	
11.—Forgery, as defined in, section 466, do.	...	...	...	...	...	1	1	
11.—Forgery, as defined in, section 467, do.	...	...	...	...	...	...	...	
11.—Forgery, as defined in, section 468, do.	...	...	...	...	...	...	...	
11.—Forgery, as defined in, section 469, do.	...	...	..	...	...	...	...	
12.—Lurking house-trespass, as defined in section 443, I. P. C.	...	...	...	...	...	...	...	
13.—Lurking house-trespass by night, as defined in section 444, I. P. C.	...	...	...	...	...	2	2	
14.—Housebreaking, as defined in section 445, I. P. C.	...	...	...	...	...	...	...	
15.—Housebreaking by night, as defined in section 446, I. P. C.	...	...	...	...	...	1	1	
Total	...	3	28	75	24	130	260	

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PART III.

Statement showing Whippings inflicted under section 5 of Act VI, 1864, on Juveniles for Offences other than those specified in Parts I and II in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1884.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10		11 to 15		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 193, I. P. C.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 249, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 323, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 324, do.	...	...	3	...	2	1	...	...	...	...	2	...	8	
Do. 325, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 352, do.	...	...	3	...	1	...	1	...	...	...	...	...	5	
Do. 354, do. and Do. 5, Act VI of 1864.	1	...	3	...	1	...	...	...	...	...	...	...	5	
Do. 376, I. P. C.	1	...	1	...	...	...	...	...	...	...	...	...	2	
Do. 379, &c., do.	5	...	1	3	8	2	8	2	...	...	4	2	35	
Do. 471, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 481, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 448, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 451, do.	...	...	...	...	...	...	...	1	...	...	...	...	1	
Do. 466, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 511, do.	...	...	...	...	...	...	...	...	...	...	3	...	3	
Railway Act IV of 1879	...	...	3	...	...	...	...	...	...	...	...	...	3	
Section 294, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 326, do.	...	...	1	...	...	...	1	...	...	...	...	...	2	
Do. 356, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 392, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 452, do.	...	...	...	...	1	...	...	1	...	...	...	...	2	
Do. 457, do.	...	...	...	1	1	...	...	1	...	...	...	1	4	
Total ...	7	...	16	4	16	3	11	5	...	...	10	3	75	

PART IV.

Statement showing relative number of times Whipping was awarded as compared with other Punishments in the Province of British Burma, exclusive of the Town of Rangoon, for the year 1884.

Punishments.	Number.	Remarks.
1	2	3
Total number of whippings awarded	1,189	
Total number of other punishments	22,911	
Percentage of whippings ...	5·19	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the Result of Appeal and Revisions in Criminal Cases in the Province of British Burma, in the year 1884, exclusive of the Town of Rangoon.

Tribunal.	NUMBER OF PERSONS.												Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts	934	...	123	411	...	165	210	2	1	...	22	8·	
To Courts of Session	1,800	...	869	384	...	217	260	3	16	...	39	17·	Eleven not appealable, and one struck off.
To Superior Courts ... By persons convicted	535	...	313	67	...	76	39	...	3	...	37	25·	
To Superior Courts ... By Government from judgments of acquittal	1	...	...	...	...	...	...	...	...	...	1	...	
Total ...	3,270	...	1,305	862	...	458	509	5	20	...	99	16·	Eleven not appealable, and one struck off.
Revision.													
By Chief Magistrates of districts	748	...	62	570	1	7	1	2	19	84	2	10·	
By Courts of Session	237	...	28	155	...	...	...	...	4	27	23	22·	
By Superior Courts	912	...	70	449	33	112	134	...	24	...	90	26·	
Total ...	1,897	...	160	1,174	34	119	135	2	47	111	115	19·	
GRAND TOTAL ...	5,167	...	1,465	2,036	34	577	644	7	67	111	214	17·	Eleven not appealable, and one struck off.

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Staement showing use of Jurors and Assessors in the Criminal Courts in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1884.

Class of Courts in which Jurors or Assessors are employed.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS TRIALS.			Remarks.
					Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differred from.		
						Wholly.	Partially.	Whose cases he referred under section 263, C. P. Code.	Whose cases he did not refer under section 263, C. P. Code.		One assessor.	Both assessors.	
1		2	3	4	5	6	7	8	9	10	11	12	13
Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	38	...	36	1	1	...	4	...	...	...	*Note.*—In sessions trials only jurors and assessors have been principally employed.
	Assessors..	2	...	309	...	...	...	...	...	190	18	101	
High Court Original Criminal Jurisdiction.	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	5 and 2	38	309	36	1	1	...	4	190	18	101	